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HANSARD'S
PARLIAMENTARY
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

6° VICTORIÆ, 1843.

VOL. LXVII.

COMPRISING THE PERIOD FROM

THE TWENTY-EIGHTH DAY OF FEBRUARY,

TO

THE TWENTY-FOURTH DAY OF MARCH, 1843.

Second Volume of the Session.

LONDON:

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1843.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *THIRD SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 2 FEBRUARY, IN THE SIXTH YEAR OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, February 28, 1834.

MINUTES.] BILLS. *Public.*—$2^{a.}$ Coal Venders Penalties. $3^{a.}$ and passed:—Transported Convicts; Forged Exchequer Bills.

Private.—$2^{a.}$ Earl of Leicester's Estate.

Reported.—Jackson's Divorce.

PETITIONS PRESENTED. By the Earl of Bandon, from Bantry, Ballyhige, Killury, Ratoo, and Bandon, for Altering the Irish Poor-law; and from Bandon, against the Medical Charities Bill (Ireland).—By Lord Redesdale, from Launceston, for Altering the Poor-law Act (England).—From the Debtors in Stafford Gaol, against the Laws respecting Imprisonment for Debt.—By the Bishop of Chester, from Frome, Durham, Shenstone, and the Dean and Chapter of Durham, against the Union of the Sees of St. Asaph and Bangor.

CHURCH OF SCOTLAND.] Lord *Wharncliffe* laid on the Table, pursuant to order of the House, copies of any communications from or on behalf of the General Assembly of the Church of Scotland, to her Majesty's Government, respecting the disputes now subsisting between the ecclesiastical and civil courts in Scotland, and of the answers thereto.

Lord *Campbell* said, since the answer which had lately been given in another place by the Secretary of State for the Home Department, to a question put to him respecting the intentions of Government as to legislation on the Scottish Church question, it had been confidently rumoured, that in consequence of subsequent events in Scotland, Ministers had changed their minds, and had now resolved to bring in a bill, making concessions to the Church on the matters in dispute between the ecclesiastical and civil courts. If there were no foundation for this report, it was of great importance that it should be corrected, for so long as it prevailed, it must have a most unfavourable tendency.

Lord *Wharncliffe* said, he knew of no alteration in the intentions of Government since the occasion of which the noble and learned Lord spoke.

CREDITORS AND DEBTORS.] Lord *Cottenham*, on presenting a petition complaining of the heaviness of the costs in bankruptcy and insolvency proceedings, took occasion to say that he had been subjected to great blame for delaying the second reading of the Creditors and Debtors Bill, which he had laid on the Table within a few days of the meeting of

Parliament, with the view of passing a measure for diminishing the expenses of such cases. Now, he wished to say, that he had not abandoned the measure, as he was accused of doing, but only postponed proceeding with it in order that he might see what course Government would take on the subject, and whether any measure would be introduced under the authority of the law officers of the Crown to remedy the evils of the present law.

The *Lord Chancellor* said, a bill had been introduced, at a late period last Session, for the purpose of transferring the jurisdiction of insolvency cases to the commissioners of bankruptcy. This bill passed; but considerable inconvenience had been experienced from its operation. To obviate the inconveniences felt, the law officers of the Crown were preparing a bill, which would carry out the principles of his noble and learned Friend's measure, and render it more effectual. Perhaps the better way would be to refer all the bills to a select committee, which might consider the whole subject of insolvency, with the view of amending the present system, and removing the evils which now attended it, or of reconstructing a new system. If his noble and learned Friends would lend him their aid in considering the subject, he had no doubt they would be able to produce a system free from the objections brought equally against that which was formerly established, and that which at present existed.

Lord *Brougham* thought the course suggested by his noble and learned Friend on the Woolsack a very advisable one. He wished to observe, that he had been himself deterred from proceeding with the measure he had introduced at the commencement of the Session, the Debtors and Creditors Bill, from the same cause as his noble and learned Friend (Lord Cottenham) — a wish to ascertain what were the intentions of Government.

Lord *Cottenham* said he was particularly anxious to correct an evil which now pressed heavily on the unfortunate class of persons whom these bills would affect. It was now impossible for an insolvent debtor to take the benefit of the act without paying *5l.*, which was a great burthen on the debtor himself, while it was a payment to the injury of his creditors.

The *Lord Chancellor* said he should communicate with the law officers of the Crown in the preparation of the measure to which he had adverted, and then introduce it into that House, which would afford time to consider it properly in the course of the Session. With respect to the point just instanced by his noble Friend, it would be easy to correct the grievance by means of a short bill, which could be introduced and passed for that purpose. He would propose, that insolvent debtors should be discharged without paying their fees, unless their estate should produce the amount requisite.

RIGHT OF SEARCH—SLAVE-TRADE.] Lord *Brougham* rose to put a question to his noble Friend the Secretary for Foreign Affairs, on a subject of very great importance at all times, but for particular reasons of especial interest at the present moment—the subject of the right of search, which existed under the treaties of 1831 and 1833, with France, and on which so many previous misconceptions had arisen on the other side of the Channel. He believed that, towards the middle of December, a commission was issued by his noble Friend to four persons, whom all must allow to be most competent to the task—Dr. Lushington, Captain Denman, Mr. Rothery, a proctor, and Mr. Brandinell, who were called upon to form and recommend to Government a code of instructions for the guidance of naval officers in examining suspected slave-ships, instructions which should have an uniform operation. He could not ask his noble Friend for a copy of the commission which had been issued, or the instructions delivered to the commissioners; but perhaps his noble Friend would have no objection to state whether he had been rightly informed in what he had now said, and whether any report had yet been made by those commissioners, or whether there was any expectation of a report being speedily received. He might venture to hope that the instructions recommended by them would be such as, when finally adopted by the Government, and transmitted to the cruisers to act upon, might be made public. No one circumstance, he was convinced, would tend more to satisfy the French people, their statesmen, and mercantile men, than a distinct knowledge of the instructions under which our cruisers were to act. No subject was more open in every part to misconstruction than this. Not only a portion of the French press was in the pay of the colonists, but members in the French assemblies were in the receipt of large salaries as the agents of the slave islands, who of course took the view suggested to them by their constituents. He was sure, whatever the instructions were, they would be drawn up in a spirit of forbearance to the French navy, and regard for the just rights of French commerce, and with an anxious wish to remove every cause of collision between subjects of the two countries. He had no doubt that the persons entrusted with the duty to which he had referred would do everything in their power to render the chance of collision as little probable as it could be. The publication of the instructions would, he was sure, have the best possible effect elsewhere in allaying the irritation which now existed, and which, from all the accounts he received from Paris, he had reason to believe was very much on the decline already.

The Earl of *Aberdeen* could assure his noble and learned Friend that it was impossible for any man to be more desirous than he was, to take every possible means of removing or diminishing the extraordinary infatuation which had prevailed among a portion of the public in France connected with this subject. He had no doubt they would succeed in removing this prejudice, because he was convinced that the French nation generally were as sincerely desirous of putting an end to the slave-trade as we were ourselves; not, perhaps, at the price of such costly sacrifices, but undoubtedly the desire was general, if not universal. Had it been otherwise, had this excitement been a pretext in order to cover any interested motives, we might have despaired of putting an end to it; but he could not doubt, with the intelligence that prevailed in that country, and the sincere desire generally entertained for the suppression of the trade, that it must give way in no long time to that benevolent desire which must be admitted to be our only motive for prosecuting this great object. He must say, however, that the instructions to which his noble and learned Friend had alluded on this occasion were not issued with any direct reference to the state of opinion in France. A commission, in fact, it was not; no formal commission had been issued. He had requested the Gentleman named by his noble and learned Friend—with whom he begged to say it was a labour of love, for their services were rendered gratuitously—gentlemen whom he thought most competent to give him assistance in this matter—to revise all the instructions that had been issued for the last twenty years, under the various treaties which had been entered into on this subject, and to form from these one uniform system and code of instruction for the assistance of our officers commanding cruisers on this most difficult and responsible service. Naturally, in the course of time, many instructions had been issued which were now in some degree contradictory and inconsistent, and when we recollected the difficult service on which those officers were called to act, and the complicated nature of the treaties into which we had entered on this subject, which, in fact, were only communicated to the officers, without any instructions whatever for their guidance, it was impossible not to wonder that the cases of collision had not been more numerous. The officer was put in possession of these treaties, and left to deal with them as he best could. Looking to the events which had lately taken place, and the complaints that had arisen, he had been for some time labouring under a strong impression that we were bound to afford those gallant officers all the assistance in our power in the execution of so very difficult and responsible a duty as they had to perform. Therefore, he had requested those gentlemen, who, he was happy to find, met the approbation of his noble and learned Friend opposite, as he thought they must meet the approbation of the country—men most eminently qualified for the duty—to compose from the existing instructions and treaties such a system as would be best adapted to the purpose he had indicated. It was not only the contradictory nature of the instructions already issued, and the various obligations of the different treaties which were to be considered, but there were also questions of very general importance, affecting the law of nations, which arose in the execution of the services of our cruisers. Certainly the officers commanding them, however zealous, and however intelligent, could not always be expected to be able to decide correctly. Accordingly, on different occasions, there had been errors committed, and he held that in such cases we should do more to conciliate the good opinion and the assent of foreign powers to the course we were pursuing, by rendering prompt justice whenever an error had been committed, than by taking any other course. It was wonderful how rarely cases of this kind had occurred, considering the nature of the service. Now, very rarely any deviation had taken place which could reasonably be complained of by any particular ties. He had anticipated his noble and learned Friend in desiring that those instructions should be such as might be made public to the whole world. For in this business we could have nothing to conceal; the more our motives were examined and our conduct inquired into, the more would they procure the assent and approbation of all those who were animated with the same disinterested desire of suppressing slavery as ourselves. These instructions, therefore, would be such as might be laid before the world, and he had no doubt they would produce all the great effect which his noble and learned Friend anticipated from them among the candid portion of the French public. Among those to whom his noble and learned Friend more particularly alluded, as persons interested in the slave-trade, this could not be expected. His noble Friend having given him notice of his intention to bring this subject before the House, he thought it might be satisfactory to his noble Friend and to the House to know, that in the course of last year the efforts made by this country had been signally successful in diminishing the extent of this traffic. He had brought with him a document, with the contents of which it would be most particularly gratifying to the House to be made acquainted. In one of the principal marts of this trade, the island of Cuba, he was happy to say it had greatly fallen off, and the conduct of the present Governor-general had been such as to merit the highest approbation—nay, admiration—of every well-thinking man. The commissioners of Havannah, in their annual report made to him last month, regarding the state of the trade in the previous year, say,

> "In presenting this report we cannot but, in the outset, express our gratification that, for the first time in the history of the commission, we are enabled positively to say, that good faith has been observed as regards the treaty by the superior government, and that the present captain-general has, so far as was personally in his power, fulfilled the promises he made in that respect on his first assumption of his command, in the beginning of 1841. In making this just acknowledgment of General Valdez's integrity, we must take also into consideration the number of blacks declared to be emancipated by the treaty of mixed commission, whom he has put in possession of their liberty, instead of consigning them to a servitude amounting to slavery, according to the example of his predecessors."

He trusted that the efforts of the British Government to prevent the fitting out of slave vessels, and the sailing even of such as might be engaged for that trade, might now be considered to be crowned with success, and the trade, as hitherto carried on, to be nearly at an end. He held in his hand a return of the number of vessels equipped for the slave-trade in each of the last five years. In 1838, there were supposed to proceed from Havannah and the neighbourhood, 71 vessels; in 1839, the number was 59; in 1840, 54; in 1841, 31; in 1842, only 3 vessels. The total number of slaves supposed to have been imported into the whole island, was, in 1838, 28,000; in 1839, 25,000; in 1840, 14,470; in 1841, 11,857; in 1842, 3,140. In 1837, the year previous to the commencement of this return, the number imported was believed to be 40,000. The negroes emancipated under the decree of the mixed commission had hitherto been kept in a state of servitude amounting almost to slavery, and former Governments had refused to release them, contrary to treaty. They were not slaves, but they had never enjoyed entire freedom. The present Governor-general had, in the course of last year, released upwards of 1,200, and put them in possession of their entire freedom; a number not very considerable still remained in a state of servitude. They might amount to about 300; but they also, there was no doubt, would be put in possession of their entire freedom. The Governor of Cuba also had, in the course of last year, made four or five seizures of crews of newly imported Africans, whom he had placed in freedom at once. It was known that the sacrifices which, in the performance of his duty, General Valdez had made, were to him the difference between great wealth and that poverty to which he had resigned himself, for General Valdez was a man of inflexible integrity, and was proud of his poverty, which he would not exchange for the guilt of riches acquired by such means as had been placed again and again within his reach. His noble Friend knew, he was sure, that this was the case, and that the Governor was, by the line he had followed, a loser to a great amount. If they had the good fortune to see General Valdez continued in the Government of Cuba, no doubt would remain that the slave-trade would in a short time be extinguished.

The Earl of *Clarendon* could not refrain from expressing very sincere satisfaction at the statement just made by his noble Friend. The reference of the laws and regulations for the conduct of the right of search to a commission of persons so able and in every way so well deserving of public confidence would meet with general approbation, and lead to the well-founded expectation that a code would be established under which the right of search would be exercised with an entire avoidance of collisions between the ships of the different countries, and without any interruption of international harmony and good feeling. He was glad that his noble Friend agreed with his noble and learned Friend near him as to the propriety of publishing the regulations. He believed nothing would go further to destroy the doubts which had hitherto existed among foreign nations as to the sincerity ef England, and the purity of the motives by which she was actuated in abolishing the slave-trade. It was believed by some classes of persons abroad that her guiding principle was to ruin the prosperity of the colonies of our neighbours, and reduce them to what was believed to be the degraded and wretched level of our own possessions. Nothing would create a more general belief that we were acting in sincerity, and not from party motives, or from national jealousy. One ground of the distrust and ill-feeling against us among foreigners which prevailed on this question was, their total ignorance of the principles on which we proceeded, as well as of the regulations in use to give effect to the views of our Government. Therefore, he thought that to publish these regulations would be productive of great advantage, and would tend to remove the irritation that now existed abroad on this question. He had had the honour of knowing Generel Valdez well for several years, and could bear testimony that there was not a more honourable man living. He left his country for Cuba with an honest determination to put down the slave-trade. It was quite true that his predecessors had been in the habit of receiving large sums of money, not only for countenancing the slave-trade, but for affording it direct assistance. The price paid to the governor for each slave introduced into the colony had been as much as an ounce of gold, which was equal to 3*l.* 16*s.* 6*d.*, and when it was borne in mind that as many as 40,000 slaves were introduced in one year, their Lordships might easily imagine what large fortunes the governors of Cuba had an opportunity of making by lending their assistance to the traffic. General Valdez had not taken one farthing, but remained as poor as when he went over to the colony, and was justly proud of his honourable poverty.

Lord *Brougham* rejoiced to hear such gratifying intelligence, which would afford the greatest satisfaction to those benevolent men who had exerted themselves so long and so strenuously for the suppression of the slave-trade. Many persons who were most anxious for its abolition had despaired of putting down the trade, except by the abolition of slavery in America or by the civilization of Africa. He was certainly satisfied that the abolition of slavery in America would be incompatible with a continuance of the slave-trade, and so, no doubt, would be the civilization of Africa; but he was not disposed to be idle himself or consent to the country doing nothing while waiting for a state of things that might not be realised for centuries. The statements of his noble Friend as to the effects of vigorous operations against the slave dealers, clearly proved how absurd these notices were which some entertained of all such labour being vain and fruitless. He congratulated the House on all that they had heard that evening, and he cordially joined in the eulogium which had been pronounced upon General Valdez.

The Earl of *Haddington*, though unwilling to prolong this discussion, felt that it would be unjust to the officers of the navy to allow the conversation to close without bearing his testimony to their good conduct. If their Lordships could but read the letters which those gentlemen were in the habit of writing home to the Admiralty, their Lordships would be able to form some idea of the zeal, caution, and forbearance which the officers of the navy were constantly exercising. He had no doubt that the most valuable results would be obtained from the new code of instructions drawn up by the commission, upon which it had afforded him the greatest satisfaction to place the name of captain Denman, whose services he highly appreciated, in compliance with the suggestion of his noble Friend.

ILLICIT DISTILLATION (IRELAND).] Lord *Monteagle* rose to move for further returns connected with the subject of illicit distillation in Ireland. When the increased duty on Irish spirits was enacted, he and several other noble Lords had placed a protest upon their Lordship's Journals, on the ground that the increased duty, by promoting a great increase of illicit distillation, would have a deteriorating influence on the morals of the population. It would have been much more gratifying to himself and to all those who had signed that protest if their prophesies had not been fulfilled. But what had been the result of the measure was sufficiently shown by the paper now on their Lordships' Table. In the year 1839, duty had been paid in Ireland on 10,815,000 gallons of spirits. In the last year the the quantity had diminished to 5,000,000 gallons, and the duty, which in the former year amounted to 1,200,000*l.*, had, in the latter been reduced to 900,000*l.*, so that a large augmentation of duty had actually led to a diminution of one-third in the revenue. In 1839, as he had said duty had been paid on 10,815,000 gallons, yielding a revenue of 1,200,000*l.*. In the next year, 1840, there was an augmentation in the duty of 4*d.* a gallon, and the effect of that increased duty was to diminish the revenue. In the year just ended, duty had been paid only on 5,290,000 gallons. He had taken the liberty of stating last year, that the augmentation in the duty would tend to the multiplication of crime, and the paper he had begged leave to call for was intended to show the increase that had taken place in prosecutions. In the gaol of Lifford, in the county of Donegal, out of 70 convicted prisoners confined there, 50 had been found guilty of offences connected with illicit distillation. Governmnet could have no wish but to preserve the morals of the country; yet when once the Chancellor of the Exchequer had proposed his budget, it would be too late to bring this matter forward, and he (Lord Mònteagle) thought it therefore right to take the earliest opportunity of calling their Lordships attention to the subject, which was one of far greater importance than a mere question of revenue. Nothing could be more likely to counteract the temperance movement in Ireland than an increase of illicit distillation. While a legal trade was carried on in spirits, the movement might continue; but an illicit trade would be certain to arrest it. The noble Lord concluded by moving for a return of the prisoners confined in each gaol in Ireland on charges connected with illicit distillation.

Lord *Ashburton* said, that the reduction in the quantity of spirits brought to charge and the falling off in the duty had commenced before the increased duty had been imposed. In 1839 duty was paid on 10,000,000 gallons, and in 1840 only on 7,000,000 gallons. Yet in 1839 or 1840 there had been no increase of duty. The diminution could not, therefore, have been altogether owing to illicit distillation.

Lord *Monteagle* said, that it was in 1840 that an increase of 4*d.* took place in the duty, which was raised from 2*s.* 4*d.* to 2*s.* 8*d.* a gallon.

Lord *Ashburton* said, that it was only in the latter part of the year that the duty came into force, and yet there had been a diminution. At the same time, he was not prepared to say that the duty had not been carried too far.

The Marquess of *Lansdowne* was also of opinion that nothing was more likely to arrest the temperance movement than an increase of illicit distillation. The movement had reached its maximum last year. The whole effect of it was felt in the large towns, where the people were placed under the influence of public opinion. In villages, on the contrary, or among a scattered population, that influence was least felt, and in those parts of the country it was that temperance movement was now receding. By checking the fair trader and offering a bounty to the illicit distiller, their Lordships had inflicted a blow upon the temperance movement, which he felt assured they would themselves be grieved at.

The Duke of *Wellington* did not believe that there had been any increase of illicit distillation in consequence of the increase of duty. The noble Duke was also understood to deny that the revenue had been less productive in consequence of the last increase of duty. Last year the amount of revenue received had been 904,000*l.*, and in the preceding year it had been 864,000*l.*

The Earl of *Mountcashell* said, that illicit distillation had of late increased in the South of Ireland to a frightful extent, and was producing the worst effects on the morals of the country. He was certain that if the subject were not taken up by the Parliament this Session, it would force itself on the attention of both Houses at no distant period.

Lord *Monteagle* said, that in choosing the series of years he had selected for the returns on the Table, he had been actuated by a wish to deal fairly with the present Government, by showing that the measures adopted by his (Lord Monteagle's) late colleagues had been attended by similar effects. In 1822, Lord Liverpool reduced the duty from 5*s.* 10*d.* to 2*s.* 4*d.*, and, in consequence of that reduction, the consumption was doubled. In 1826 the Government ventured on an increase of 10*d.* in the duty, and this was followed by a reduction of two millions in the quantity of spirits on which duty was paid. In 1830 Mr. Goulbourn increased the duty to 3*s.* 4*d.*, and this was followed by a further reduction in the quantity on which duty was paid. Lord Althorp reduced the duty to 2*s.* 4*d.*, and the consequence was an increase of revenue, as well as the quantity of spirits distilled.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Tuesday, February 28, 1842.

MINUTES.] NEW WRIT.—For Ashburton, in the room of William Jardine, Esq., dec.

NEW MEMBER SWORN. — Charles Powell Leslie, Esq., for Monaghan.

BILLS. *Public.*—1°· Bankrupts (Ireland); Dog Carts.

Private.—1°· Edinburgh Water; Newport (Monmouth) Gas; Portsea Improvement.

2°· Warwick and Leamington Union Railway; Nottingham Lighting; Northampton and Peterborough Railway.

NORTHAMPTON AND PETERBOROUGH RAILWAY.] Mr. *V. Smith* moved the second reading of the Northampton and Peterborough Railway Bill.

Mr. *H. Fitzroy* said, he had been desired, and felt it his duty to oppose the bill. The line of railway it was proposed to construct, would pass through a country which stood in no need of it, and which would not afford traffic enough to support it; a country, also, presenting great natural difficulties, requiring no less than eleven bridges over one river, and having a main turnpike road which would have to be perpetually crossed on a level by the railway. Moreover, the landowners in thirty-five out of forty miles along the proposed line were against it. Nor was there any necessity for incurring the evils of such a line, for the far more eligible line of the Northern and Eastern Railway presented itself, which was about to be carried on with energy through Ware to Cambridge; and by means of the continuation of which to Lincoln and Peterborough, &c., a connection with the metropolis closer, by nearly forty miles, would be established for the town chiefly concerned in the now projected line, than would by that line be afforded. Under these circumstances he begged to move, that with a view of postponing the consideration of the subject till a time when there would be better opportunities of estimating the merits of the rival lines, the bill be read a second time that day six months.

Mr. *Astell* seconded the amendment, expressing himself favourable to railways in general, but convinced that for all the public interests concerned, especially for the eastern portion of the country, the line projected by the Northern and Eastern Company, was by far preferable to that now proposed.

Sir *G. Strickland* concurred in the opposition, reminding the House of the apprehensions originally entertained as to the establishment of railway monopolies, and declaring that these apprehensions had in no case been more strikingly verified than on the Birmingham line, the effect of which was to injure the public interests most seriously; as an instance of which he mentioned his having recently, while travelling on the North Midland, found the engines, &c., very much out of order, by reason of a great reduction in the number of the servants engaged on the line; he declared his conviction that nothing but opposition would protect the public interests—opposition which it was just the object of this bill to prevent, by swamping the North Eastern in a most important point.

Mr. *Christopher* said, if there were any prospect of the North Eastern line being carried on to the eastern part of the country, he would prefer it, as being calculated to afford the most valuable advantages to those districts; but, believing there was no such prospect, he was inclined to adopt the line now offered, which by presenting great facilities for the transmission of agricultural produce would tend to destroy as great a monopoly as that of the Birmingham Railway—he meant that of Smithfield market. Nor would the adoption of this line at all prejudice the future sanctioning of the continuation of the North Eastern when it was ready to proceed toward Lincolnshire.

Colonel *Sibthorp* said, he would oppose this, as all other railways—public frauds and private robberies. He believed they would eventually be bankruptized. He found, that so soon as there was any slackening in the business of these greedy speculators, they unhesitatingly reduced the number of their servants; and he believed, that the displacement of traffic, disturbance of business, and destruction of employment, which they had produced, had materially increased the distress of the country.

Mr. *J. E. Denison* was opposed to the bill, because no one could deny the North Eastern line was the best.

Sir *G. Clerk* opposed the second reading of this bill. He believed, that in a very short time measures would be taken to extend the Northern and Eastern Counties Railway to Cambridge and Peterborough. The proposed line, therefore, would be unnecessary; and would, if agreed to, intercept the traffic on the Cambridge line. If, in fact, it so interfered with the latter as to prevent its completion, it would give to the Birmingham and London Railway the monopoly of communication between the metropolis and the north of England. He would say nothing in disparagement of the London and Birmingham Railway Company, but he would caution the House against confirming such a monopoly. It would also cut almost every line of communication between the metropolis and the north; and it would cut them on a level, contrary to one of the Standing Orders of the House. The petition he had presented, had been agreed to at a very full meeting. Under these circumstances he trusted the House would not give its sanction to a bill so faulty in principle and construction.

Mr. *V. Smith* thought the hon. and gallant Member for Lincoln was the only person who acted consistently in opposing this bill, inasmuch as he opposed all railways. What the Birmingham Railway Company said was this, that there was sufficient traffic to pay them, but there was not sufficient for a new company. As to the objection of there being some other line, he saw no reason why the two lines should not be both allowed but he doubted whether any who were present would live to see the completion of the Cambridge Railway.

General *Johnson* objected to the principle of the bill.

Mr. *Ward* said, that with respect to the Cambridge line, it must be observed, that there was less capital locked up in such undertakings at the present time than had been the case for the last six years. The Cambridge Railway had already been constructed to the distance of thirty miles from London. There was a measure now before the House to extend it further, and he had no doubt the line would be completed in a short time.

The House divided on the question that the word now stand part of the question:—Ayes 94; Noes 80: Majority 14.

List of the AYES.

Acland, T. D.
Adare, Visct.
Ainsworth, P.
Arkwright, G.
Bannerman, A.
Barnard, E. G.
Beckett, W.
Blewitt, R. J.
Bowring, Dr.
Bradshaw, J.
Broadwood, H.
Brotherton, J.
Brownrigg, J. S.
Buck, L. W.
Buller, Sir J. Y.
Cartwright, W. R.
Chelsea, Visct.
Collett, W. R.
Collins, W.
Courtenay, Lord
Currie, R.
Davies, D. A. S.
Denison, E. B.
Dennistoun, J.
Dickinson, F. H.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Ellis, W.
Elphinstone, H.
Estcourt, T. G. B.
Fitzroy, Lord C.
Fremantle, Sir T.
Gaskell, J. M.
Gordon, hon. Capt.
Greene, T.
Grey, rt. hon. Sir G.
Hardy, J.
Hastie, A.
Hay, Sir A. L.
Hill, Lord M.
Hinde, J. H.
Hodgson, R.
Houldsworth, T.
Hume, J.
Humphery, Mr. Ald.
Inglis, Sir R. H.
James, Sir W. C.
Kemble, H.
Layard, Capt.
Lockhart, W.
Mackenzie, W. F.
Mackinnon, W. A.
Majoribanks, S.
Marsland, H.
Marton, G.
Meynell, Capt.
Mitcalfe, H.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
O'Brien, A. S.
O'Brien, W. S.
O'Conor, Don.
Pechell, Capt.
Plumridge, Capt.
Pollington, Visct.
Protheroe, E.
Russell, C.
Russell, J. D. W.
Rutherfurd, A.
Smith, B.
Stanley, hon. W. O.
Stanton, W. H.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Tancred, H. W.
Thornely, T.
Trollope, Sir J.
Tufnell, H.
Turner, E.
Turnor, C.
Wallace, R.
Wawn, J. T.

Wilde, Sir T.
Williams, W.
Winnington, Sir T. E.
Wood, B.
Wood, G. W.
Wortley, hon. J. S.
Yorke, H. R.

TELLERS.

Christopher, C.
Smith, V.

List of the NOES.

Aldam, W.
Alford, Visct.
Allix, J. P.
Arundel and Surrey, Earl of
Astell, W.
Baring, rt. hn. F. T.
Barneby, J.
Bramston, T. W.
Browne, hon. W.
Busfeild, W.
Byng, rt. hn. G. S.
Cayley, E. S.
Chapman, A.
Childers, J. W.
Colborne, hn. W.N.R.
Cowper, hon. W. F.
Craig, W. G.
Darby, G.
Denison, J. E.
Dick, Q.
Dodd, G.
Duncan, Visct.
Duncombe, hon. A.
Duncombe, hon. O.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Fellowes, E.
Fitzroy, Capt.
Fitzwilliam, hn. G. W.
Flower, Sir J.
Forbes, W.
Fuller, A. E.
Gore, W. O.
Grimsditch, T.
Heathcote, Sir W.
Hope, G. W.
Hornby, J.
Horsman, E.
Howard, hn. C. W. G.
Howick, Visct.
Hughes, W. B.
James, W.
Jermyn, Earl
Johnson, Gen.
Lennox, Lord A.
Leslie, C. P.
Lowther, J. H.
Mahon, Visct.
Manners, Lord J.
Marshall, W.
Mordaunt, Sir J.
Murray, A.
Ogle, S. C. H.
Peel, J.
Ponsonby, hn. C. F. A. C
Praed, W. T.
Pulsford, R.
Repton, G. W. J.
Ross, D. R.
Rous, hon. Capt.
Rushbrooke, Col.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smythe, hon. G.
Sotheron, T. H. S.
Stansfield, W. R. C.
Staunton, Sir G. T.
Strickland, Sir G.
Sutton, hon. H. M.
Trotter, J.
Tyrell, Sir J. T.
Waddington, H. S.
Ward, H. G.
Wood, C.
Wood, Col.
Wrightson, W. B.

TELLERS.

Clerk, Sir G.
Fitzroy, hon. H.

Bill read a second time.

THE PROTESTANT CHURCH AT JERUSALEM.] Dr. *Bowring*, in pursuance of the notice he had given, begged to ask the right hon. Baronet, at the head of the Government, whether the building of the English Protestant Church at Jerusalem had been interfered with by the Turkish authorities; and, also, whether he had received a firman from the Porte to authorise the establishment of a Protestant bishopric at Jerusalem?

Sir *R. Peel* stated, that with regard to the first question of the hon. Gentleman it appeared, that the Porte had never given its consent to the construction of a Protestant church at Jerusalem; but, on the contrary, that the Porte had stated, that the permission to construct such a building would be contrary to the Mahometan law. The Porte had not, however, taken any active steps for the purpose of preventing the progress of the building, according to the official information which the Government had received. But it was stated in the newspapers, that the Turkish authorities had interfered to put a stop to the construction of the church. The last official report which had reached the Government was dated in November last, and in that report it was alleged that the Turkish authorities viewed with considerable jealousy the progress of the building. The state of the case, therefore, as far as the official information went, was, that the Porte had never given its consent to the construction of the church; but no official report had been received by the Government which could enable them to give further information on the subject With respect to the establishment of a Protestant bishop in Jerusalem, the Porte had never formally recognised that bishop in his capacity of a bishop; but the Porte had never objected to his residence in that country.

Dr. *Bowring* gave notice, that he should take an early opportunity of calling the attention of the House to the circumstances to which the right hon. Gentleman had just referred.

CHURCH OF SCOTLAND.] Mr. *Campbell* wished to ask a question of the right hon. Baronet (Sir James Graham) respecting the Church of Scotland. If he understood the right hon. Baronet, he stated upon a former occasion that it was not the intention of the Government to propose any measure for the reconciliation of those differences in the Church of Scotland which pressed upon the attention of every person connected with that country. The explanation of the right hon. Baronet, however, was not quite clear, and he (Mr. Campbell) now wished to ask what were the fixed intentions of the Government on the subject?

Sir *James Graham* thought, that his former explanation upon the subject had been sufficiently clear. In replying to the present question, he hoped he might be permitted to recall to the memory of the

House, the answer that he gave on a former occasion, when he was questioned as to what course Government intended to pursue with respect to this subject. Upon that occasion he stated, that with regard to what was called the non-intrusion question, her Majesty's Government had no present intention whatever of introducing a measure upon that subject. But the hon. Member, in putting his question on Thursday last, had asked whether, if it were the intention of the Government to introduce any measure upon the subject of the Church of Scotland, they would do so within the next week, previous to the introduction of the motion of which notice had been given by the right hon. Gentleman the Member for Perth. Before he (Sir J. Graham) replied to that part of the question, he thought it necessary to allude to a very important decision which had recently taken place in the Court of Session in Scotland with respect to what were called *quoad sacra* parishes. He stated that the decision of the Court had been appealed from, that the appeal had not yet been heard, and that, pending its hearing and decision, he could not state what course her Majesty's Government might be induced to take. The decision of the Court of Session might be reversed, or might be remitted to the Court below for further consideration. In this state of things he did not think it necessary or expedient to make any positive declaration on the subject. But he had stated, that if the decision of the Court of Session were affirmed, and her Majesty's Ministers should be of opinion, that it would interfere with the extension of the Church of Scotland in spiritual matters, in that case they might deem it advisable to ask Parliament to legislate upon the subject. Further than that he did not deem it expedient to go on Thursday last; further than that he did not deem it expedient to go on the present occasion. He thought the answer most explicit, and he could not consent to carry it further. Having answered one question, perhaps he might be allowed to ask another. Seeing the hon. Member for Leith in his place, and believing that it was in the power of that hon. Gentleman to answer him, he begged to ask him a question in reference to a motion upon the subject of the Church of Scotland, of which notice had been given for Tuesday next, by the right hon. Gentleman the Member for Perth. His attention had been called to the terms of that motion, which were as vague and general as possible, namely, that the matters in dispute connected with the Church of Scotland should be referred to a committee of the whole House. Now, without presuming to offer any opinion as to the expediency of assenting to such a motion, he did not think that in a matter of such very high importance, it was unreasonable that he should ask the hon. Member for Leith, in the absence of the right hon. Member for Perth, to let him know, if the House should as a matter of form consent to go into committee, what was the precise object contemplated? Would it be intended to move resolutions? In that case the House ought to be made acquainted with them. If it were not intended to move resolutions, what, he begged to ask, was the course that the right hon. Member for Perth proposed to pursue?

Mr. *Rutherford* regretted that his right hon. Friend the Member for Perth was not in his place to answer for himself. For his own part, he confessed, that he felt very much inclined, according to the custom of his country, to answer the right hon. Gentleman's question by putting another, and asking whether there would be any objection on the part of the Government to go into a committee of the whole House upon this subject, which was one of the very highest importance as regarded the tranquillity and well-being of Scotland. Perhaps the answer of his right hon. Friend the Member for Perth to the question now put by the right hon. Baronet, would be considerably influenced by knowing what were the intentions of the Government. With respect to the rest of the question, he (Mr. Rutherford) could only state that his right hon. Friend the Member for Perth would move the House to go into committee on Tuesday next; and if that motion were agreed to, he would then be prepared to state fully and distinctly what course he proposed to recommend. He could give no further explanation; could make no further answer upon the matter except this, that whatever practical course his right hon. Friend might recommend, or whatever resolutions he might move, he (Mr Rutherford) believed he was authorised to say, that they certainly would not be founded upon, and certainly would not be in accordance with, the principles of the letter of the right hon. Baronet, which was understood to be the ultimatum of the Government upon the subject.

Lord *John Russell* wished to know, as this very important question was about to come before the House, whether the House were in possession of any official correspondence upon the subject between the Secretary of State and the General Assembly. If there were any such correspondence in existence, he thought it most desirable that the House should be in possession of it.

Sir *James Graham* said, that he had himself moved for the production of some papers connected with this subject, in addition to those which had been moved for by the right hon. Gentleman the Member for Perth. The noble Lord might be assured that the Government would place the House in possession of all the information they could command upon the matter.

Subject at an end.

Don Carlos.] Lord *John Manners* begged to put a question to the right hon. Baronet at the head of the Government, with respect to the unjust detention of Don Carlos at Bourges. It had been stated, that the refusal of the French government to allow Don Carlos to quit France, was owing to the interference of the Government of this country. He, therefore, wished to ask the right hon. Baronet whether it were true that the English Government had expressed itself unfavourably to the release of that unfortunate, persecuted, and illustrious prince.

Sir *R. Peel* said, the House would probably recollect that some four or five years since, Don Carlos sought an asylum within the French territory, and that that asylum was granted to him, there being no formal agreement upon the subject, but a friendly understanding between the French government, and the government of this country, which were then united by what was called the Quadruple alliance with reference to Spain. In June, 1841, there was a report that it was intended oy the French government to liberate Don Carlos. He did not recollect, that there had been any formal application to the French government upon the subject; but when the report to which he had just referred reached England, the noble Lord, the Member for Tiverton (Viscount Palmerston), at that time Secretary of State for Foreign Affairs, intimated to the French government that he thought that an absolute, unqualified, unrestricted discharge of Don Carlos, with permission to go where he pleased, might be dangerous to the tranquility of Spain. Her Majesty's present government had every reason to think that the apprehensions that were entertained by the noble Lord were well founded. He (Sir R. Peel) was not aware that there had been any formal communication between the government of this country and the government of France of the nature to which the noble Lord (Lord Manners) referred. But, after all that had taken place in Spain, he was of opinion with the noble Lord the late Foreign Secretary (Lord Palmerston), that an unqualified, unrestricted permission to Don Carlos to reside wherever he pleased, might endanger the tranquility and peace of Spain. He purposely used the words "unqualified and unrestricted permission." If it were a question of whether Don Carlos should reside at Vienna or in any part of Germany, he apprehended that no one would entertain an objection to it. But that he should be permitted to reside in any part of Europe that he might choose to select, would, in the opinion of the Government, very seriously endanger the well-being of Spain.

Delivery of the Statutes.] Captain *Pechell* wished to put a question to the right hon. Baronet, the Secretary for the Home Department. There had been that morning delivered to Members a document purporting to be a scheme for the promulgation of the statutes. Now, in that document, all the old boroughs excluded by the Reform Act were included, while the new ones created by that act were unnoticed. He wished to know, whether the right hon. Baronet's attention had been called to that partiality of distribution, and whether justices of petty sessions would be supplied with a copy upon application.

Sir *J. Graham* said, that since he had held the office he then filled, no alteration had been made by him with respect to the distribution. He was not aware, that the new boroughs had been excluded, but if he found that such were the case, he would take care that an alteration should be made.

Privilege—Printed Papers.] The

Solicitor-General, in rising to call the attention of the House to the communication made on the day previous by the Sergeant-at-Arms, should not feel it necessary to enter into a discussion of any of those questions of privilege which had excited so much debate and so much warmth of feeling, as well within the walls of that House as out of doors, a few years ago; it was his intention to propose to the House to adopt a course which had repeatedly received its sanction upon previous occasions of a similar nature, the precedents for which all ran one way, and which at no very distant period had been adopted by the House at the instance of his hon. and learned Friend the Attorney-General to the late Government. In order to render the case clear, he would state to the House the course he proposed to adopt. The officers of the House had made a communication to the House that they had been served with certain legal proceedings. The legal proceeding was a declaration in trespass. Upon the face of that declaration nothing of course appeared at all affecting the privileges of the House; but the officers communicated to the House that the action of trespass was brought against them in consequence of their having executed a certain warrant issued by the Speaker in furtherance of a resolution passed by that House. This report having been made to the House, it now became the duty of the House to decide the course that its officers should take. There was but one of two courses that could be adopted. Either the House must say to its officers, "You are not to plead to this action, you are not to defend it, you are not to take any notice of the process of law that has been served upon you—you are to suffer judgment to go by default," or the officers must be permitted to plead to the tion. If the House gave directions to its officers not to plead, of course there would be no defence. The judges of the court in which the case was entered for trial would not know the grounds upon which the officers of the House had taken the plaintiff into custody—there would be no justification, no defence, and judgment would go by default. The next step would be, that a sheriff's jury would be impanelled to assess the damages. Here again in the Sheriffs' Court, there would be no defence, no explanation. The consequence of course would be, that the jury, in assessing the damages, would in all probability give a very heavy sum for trespass and false imprisonment without justification. Then what would be the next step? The House must protect its officers. How would it do that? Why, it would then have to summon to its bar the plaintiff or his attorney. That would not stop the action; and the House would next have to consider whether it would commit the jury which assessed the damages, the sheriff who presided, and the officer who executed the process. The House would have to go on with committal after committal, and the result would be that it would not prevent the damages from being levied. This was one course which it would be open to the House to pursue. The other course open to it was, to permit the officers to defend the action, to appear to the action, to plead to the action, and to state to the court that they committed the alleged trespass and alleged false imprisonment by the order of the House of Commons, and under the warrant of the Speaker. With this defence, the House might allow the action to be tried before the court, and have the question decided by the judges and the jury—by the judges who were bound to administer the law of the country, and who, the House might suppose, would administer it impartially and justly; and, as a portion and part of the law, would be bound to respect the constitutional power and privileges of the House. That was the other course open to the House to pursue. Let him now pause to inquire what the course had been in all similar cases. It was to be borne in mind, that the action in the present case was very different from those which had been the subject of discussion some years ago, and which arose out of the publication of certain parliamentary papers. The House thought it might, in consequence of the judgment of the Court of King's Bench, in the action brought by Stockdale, and in a subsequent action of a similar nature, not to allow the parties to plead. He would not enter into a discussion of that question upon the present occasion; but would confine himself to the species of actions which formed the immediate subject of their consideration—he meant those actions in which legal proceedings for trespass and false imprisonment were adopted against the officers of the House of Commons. It would be found that in all the recent instances, and in all the instances for the last thirty or forty years there had been no difference in the course of proceeding adopted by the House: in all cases it had allowed its officers to appear, and plead, and state the grounds of their defence to the action. The first precedent, and the most important one, was the action brought by Sir Francis Burdett in 1810. Sir Francis Burdett had been committed to the Tower by the vote of that House. The House had resolved that he had been guilty of a breach of its privileges, and passed a vote directing the Speaker to issue his warrant to the Sergeant-at-Arms to take him into custody. The Speaker issued his warrant accordingly, and the Sergeant-at-Arms was directed to carry it into execution. Resistance was made. It became necessary to call out the military force. The military force was called out; the house of Sir Francis Burdett was broken open, and Sir Francis himself was taken into custody, and conveyed by the Sergeant-at-Arms to the Tower. Sir F. Burdett afterwards brought his action, not only against the executive officers of the House, but against the Speaker of the House of Commons, expressly and avowedly for the purpose of contesting the right of the House to direct his committal. That was the avowed object of the actions instituted by Sir Francis Burdett. He informed the House—he informed the Speaker that that was his sole object. Sir Francis Burdett, at the same time that he brought his action against the Speaker, also brought another action against the Sergeant-at-Arms for the purpose of trying, not the legality of the warrant under which the Sergeant-at Arms had acted, but whether the Sergeant-at-Arms was justified in using force to accomplish the execution of it. In consequence of these actions, a committee of the House of Commons was appointed, consisting of some of the most distinguished Members then sitting in the House. That committee made a report, from which, with the permission of the House, he (the Solicitor-general) would read one of the passages. It was followed by a very able discussion in the House, which terminated in a vote of the House permitting, the Speaker at the Sergeant-at-Arms to appear to the actions. The language of the report of the committee in 1810 appeared to him (the Solicitor-general) to be extremely applicable to the case now under the consideration of the House. The committee, in their report, said,

"And it appears, that in the several instances of actions commenced in breach of the privileges of this House, the House has proceeded by commitment, not only against the party, but against the solicitor and other persons concerned in bringing such actions; but your committee think it right to observe, that the commitment of such party, solicitor, or other persons, would not necessarily stop the proceedings in such action. That as the particular ground of action does not necessarily appear upon the writ or upon the declaration, the court before which such action is brought cannot stay the suit or give judgment against the plaintiff, till it is informed by due course of legal proceeding that such action is brought for a thing done by order of the House. And it therefore appears to your committee, that even though the House should think fit to commit the solicitor or other person concerned in commencing these actions; yet it will still be expedient that the House should give leave to the Speaker and the Sergeant to appear to the said actions, and to plea to the same; for the purpose of bringing under the knowledge of the court the authority under which they acted; and if the House should agree with that opinion, your committee submits to the House, whether it would not be proper that directions should be given by this House for defending the Speaker and the Sergeant against the said actions."

The consequence of this was, that the Speaker and the Sergeant-at-Arms were permitted to defend the actions brought against them. The result of the action was this: the Speaker pleaded a plea which distinctly put at issue the question whether or not the House of Commons had a right to vote a person guilty of a breach of its privileges, and, having come to such a vote, whether the House of Commons had the legal and constitutional power to direct the committal of the offending party. The question was argued with great learning and ability in the Court of King's Bench. The Court of King's Bench gave a solemn and deliberate opinion that the House of Commons did possess that constitutional privilege; that it had the power to vote a person guilty of a breach of its privileges, and that it had legal and constitutional power to follow up its vote by the committal of the offending party. Upon this judgment of the Court of King's Bench Sir Francis Burdett brought a writ of error. The question was argued in the House of Lords; the House of Lords confirmed the judgment of the Court of King's Bench, and he (the Solicitor-general) apprehended that no question whatever could now arise as to the right of the House of Commons upon these particular points, acknowledged as that right would be, and had been, by every judge in every court of law in the country, that the House of Commons had the power to decide upon its own privileges; to vote, if it pleased, that a party had been guilty of a breach of its privileges, and to follow that vote up by directing its officers to take the offending party into custody, and commit him to prison; that the House was legally and constitutionally vested with these powers he could hardly imagine that any one could question. Neither could he imagine for a moment that any party would now-a-days enter an action at law for the purpose of solemnly bringing in question any of these rights and privileges of the House. He (the Solicitor-general), was satisfied, that the moment it appeared to the Court of Queen's Bench, or to any other court of law in the kingdom, that the defendants in any such action had proceeded under the warrant of the Speaker, issued in furtherance of a vote of the House of Commons, there would at once be an end of the case. In the instance to which he had referred—the instance of the proceedings instituted by Sir Francis Burdett in 1810, the action against the Sergeant-at-Arms was left to a jury—was left to them to determine upon this question—whether, under the circumstances, the Sergeant-at-Arms had been guilty of an excess. The action was tried before a Middlesex jury; the point he had just mentioned was left as a question to the jury, and the jury by their verdict declared that they were of opinion, that the Sergeant-at-Arms had not been guilty of an excess. These were precedents, established in 1810. The House were now informed by the Sergeant-at-Arms, that an action had been brought against him for executing the warrant of the Speaker. If there were no other precedent than that to which he had referred—considering the grave and solemn decisions upon which it was founded, and considering, also, the character of the parties upon whose proceedings and whose judgment it rested—he should ask the House, without hesitation, to follow the course then taken. But there were several other cases to which he might refer, as possessing almost equal weight, when viewed in the light of precedents—he meant the cases which had been made the subject of very warm and earnest discussion during the time that his noble and learned Friend Lord Campbell held the office of Attorney-general under the late Government. The question came before the House immediately after the committal of the sheriffs. He wished upon the present occasion to separate the question of the right of the House to issue printed papers from the question of the authority and power of the House to commit a person for breach of its privileges. For all the purposes of the present discussion it was desirable that these two questions should be kept distinct and separate. The sheriffs applied to the Court of Queen's Bench for a *habeas corpus*, and the officer of the House made a report to it, stating that he had been served with such a writ, and requiring directions how to act. Two courses were then open to the House. It might have said, "You are to pay no attention to the writ—do not appear to it;" or it might have taken another course, by ordering its officer to appear, and to state to the judges that he held the parties in custody legally, by virtue of a warrant from the Speaker, founded upon a vote of the House of Commons The late Attorney-general had proposed that the Sergeant-at-Arms should be permitted to take the second course; he therefore did appear to the *habeas corpus*, and made a return that he held the parties in custody by virtue of the Speaker's warrant. An argument was raised on the legality of the warrant, and the court recognised the right of the Sergeant-at-Arms to detain the parties in custody. That precedent occurred in 1840, and there was another precedent in the same year: Mr. Howard, who had brought the present action against Sir W. Gossett and Mr. Bellamy, had commenced another action against the officer of the House. It was for a trespass in breaking and entering his dwelling, in execution of the very same warrant which was the subject matter to-day. There was no difference whatever, as it was the same warrant then as now. The action was not only for breaking and entering Mr. Howard's house, in Norfolk-street, but for remaining there a longer time than was necessary. What did the House do? It followed the previous precedent exactly; for the Attorney-general moved that the officers of the House be permitted to appear to defend the action. They did appear and defend. The action was tried in the last recess, the complaint being, first, that the officers had broken and entered the plaintiff's house; second, that they had remained in it longer than was necessary. The first would have put in issue the legality of the warrant; the second was independent of it. On an examination of the facts, it turned out that the officers, in their zeal to discharge their duty to the House, had exceeded their duty, and the strict limits prescribed by the law; they had entered the House, had searched it from bottom to top, and being then satisfied that the party they sought was not in it, they continued there several hours, in order to ascertain whether the owner would return. The Lord Chief Justice had held that the officers of the House were not justified in that course—that they had been guilty of excess; and so informing the jury, a verdict was found for the plaintiff with 100*l.* damages. He certainly thought that the damages were beyond the injury, and larger than were necessary; and he regretted it the more because the party seemed to have been emboldened by it to bring another action against Sir William Gossett and Mr. Bellamy; that action, as he (the Solicitor-general) understood, was for taking the party into custody, pursuant to a vote of the House, and for conveying him to Newgate, after the House had decided that he had been guilty of a breach of privilege, and that for that offence he should be imprisoned in Newgate. He trusted that in this instance there had been no irregularity, no excess, and that the officers of the House would be able to make a sufficient defence; but he could not think that that was a question which ought to decide the course it was fit for the House now to take. The House ought not to consider whether any irregularity or excess had been committed; for if the officer had been guilty of any, he could see no reason why it should not be compensated. Such being the state of the case, it was his intention to propose that the officers of the House be at liberty to appear and plead to the action. He should adopt exactly the terms employed by Lord Campbell in 1840, and, as that proceeding was so completely in point, and so recent, he hoped that no difference of opinion would be entertained. It was right for him to add, that if there had existed no precedent, he should, nevertheless, have counselled that course; he thought it the right course—less inconvenient with less likelihood that the privileges of the House would be called in question or injured in popular esteem. What the House claimed as a privilege was a constitutional right, and he could not suppose for a moment that the constituted authorities of the land would decide contrary to what had been formerly recognised as law. He was quite sure if there had been no irregularity in the execution of the warrant, that the judges would determine that what had been done was no trespass, and that the officers were justified by the directions of the House of Commons. He moved—

> "That Sir William Gosset, knight, the Serjeant-at-Arms attending this House, have leave to appear and defend the action brought against him by Thomas Burton Howard, for trespass."

The motion having been seconded and the question put,—

Sir *T. Wylde* said, he could not concur in the motion. He apprehended that the House had never been placed in a situation in which more caution was necessary than at present. In his opinion, what was proposed by his hon. and learned Friend would be little better than a surrender of the independence and privileges of the House. It had been urged that the House might depend upon it that its privileges would be safe in the hands of a court of law. He had been a little surprised to hear his hon. and learned Friend make that statement, because he should have thought that all that had lately occurred, and to which his hon. and learned Friend had alluded, would have led him to the very opposite conclusion. The Court of Queen's Bench entertained not the slightest doubt that it was not necessary to the public interests that the House should have the power of publishing its proceedings on such matters as were interesting to the public. Scarcely had that decision been pronounced, when the Legislature came to a determination in direct opposition to the opinion of the court. He should have thought, therefore, that his hon. and learned Friend would have arrived at a conclusion, that the privileges of the House could not be safely entrusted to courts of law. Every judge had expressed a most decided opinion that the claim of the House, on behalf of the public, to make known such matters as were deemed interesting, was not well founded. On the other hand, the Legislature had declared that no obstruction or impediment ought to exist to the publication of the proceedings of the House. Thus the Court of Queen's Bench had recently shewn its incompetence to protect the public interest, by taking into its hands the question of Parliamentary privilege. He regretted that longer notice had not been given of the motion in the hands of the Speaker, because it was necessary on a subject of this kind to collect authorities, to bring forward precedents, and to ascertain the principles on which those precedents were established. Those who had only an opportunity of seeing the motion in the middle of the day, could hardly have had time enough to furnish themselves with the necessary information. He contended that experience had abundantly shown that the House ought never to surrender its privileges to the decision of a court of law. His hon. and learned Friend had mentioned the case of Sir Francis Burdett, and when his hon. and learned Friend added that he now proposed to follow the course which had always been pursued, his hon. and learned Friend committed a great mistake. His proposition was utterly at variance with the whole course of precedents, with the exception of a few modern cases, to which he (Sir T. Wilde) would advert presently. The House of Commons had never committed its privileges to courts of law, and to establish this point he could refer his hon. and learned Friend to precedent after precedent; but he would first look at that of Burdett and Abbott. That case ought to be a warning to the House of Commons instead of an example. It was not because the Court of King's Bench had entertained an opinion favourable to the privileges of the House that the course of submitting its privileges to the decision of a court of law ought to be adopted. The court might have taken a different view of the matter. It might then have been as opposed to the privileges of the House and to the real interests of the public as the Court of Queen's Bench had shown itself in the case of Stockdale and Hansard. But it became the House to inquire whether the course taken in 1810 was so taken with the views and on the grounds stated by his hon. and learned Friend. The very reverse. His hon. and learned Friend had asserted that the privileges of the House would be safe in the hands of the Court of Queen's Bench; but Sir Vickery Gibbs had recommended that course, in the full belief that the court would not entertain the question. It turned out that his opinions on the subject were fallacious. In the debate Sir V. Gibbs followed Mr. Windham, who opposed the recommendation of allowing the question to go to a court of law on the justest grounds. Sir Vickery Gibbs urged that course, because he thought as soon as the Court of King's Bench found that the House had resolved that it possessed the privilege, the judges would thereupon instantly give judgment in favour of the defendant. Sir V. Gibbs did not believe that the court would assume the right of deciding whether the House did or did not possess the privilege; but he admitted that it was necessary to apprise the court of the nature of the action, and of the grounds on which the defence rested. That mode of informing the court of the nature of the action, and of the grounds of the defence, had always been taken advantage of in order to give the court jurisdiction. In the debate to which he referred the Attorney-general, Sir V. Gibbs said,

> "The Attorney-general did not wish to detract anything from the power and jurisdiction of the courts of law; but still when he considered the many cases in which the ablest judges of the courts of law allowed that the privileges of Parliament were above their jurisdiction, he could not believe that so many able and learned judges were all mistaken about their jurisdiction; and he therefore thought that the privileges of that House had been firmly recognised as the law of the land."

In what shape had they been recognized? In the shape that the Houses of Lords and Commons were the exclusive judges of their own privileges. Not that the privilege was to depend upon the opinion of one court or of another court, because courts might differ upon the question; what one court might consider quite clear and not requiring argument, another court might deem extremely doubtful and open to dispute. Thus the House and its privileges might be bandied about from court to court, until at last it found that it had lost its place in the constitution—that it was merely subordinate and subservient, and that it could assert no power and assert no privilege for the benefit of the people. The Attorney-general continued,—

> "As to the opinions which had been delivered by Sir F. Pemberton and Sir T. Jones in the case which had been so often alluded to, he understood their opinions to be entirely as to the form or the plea."

This observation related to the case of Jay and Topham, where the judges had been called to the bar of the House and committed; but they both distinctly stated that it appeared upon the plea that it was done by order of .the House of Commons, and that no judge would attempt the question or enter into an investigation whether the House possessed the privilege or did not possess it. The judges held that there was an informality in the plea, and such would ever be the case; the undoubted rights of the Commons of England, when once brought within the pale of courts of law, would be held to depend upon the nicest technicalities. Was it fit that the privileges of the House of Commons ought to be made to depend upon the rules of special pleading? Sir Vickery Gibbs added that the judges, in the case of Jay and Topham,—

> "Did not deny that the matter of the plea would be a complete defence; but they conceived that the plea had not been put in as the form of the law required. He could not agree with his hon. and learned Friend (Sir S. Romilly) that the courts of law could ever take into their consideration and judgment the existence of the privileges claimed by the House. They were the only judges of their own privileges, and their decision upon them was binding in a court of law."

Such was the language of the Attorney-general of that day, upon whose recommendation his hon. and learned Friend (the Solicitor-general) was founding himself. Sir Vickery Gibbs had maintained that the House was the only judge of its own privileges. He was a great lawyer, and was proposing a particular course; how did he defend it? He went on to say, that it was necessary to inform the court, that what had been done had been done by the authority of the House; and when so informed, the court would not entertain the case. In what situation had Sir V. Gibbs afterwards found himself, when engaged in two or three days' argument upon the question whether the House did or did not possess the privilege? So far from the judges of the King's Bench holding that it was not open to the parties to discuss whether the House possessed the privilege it claimed, they listened to a long and learned discussion upon the subject. True it was that the court had ultimately decided that the House did possess the privileges, but it might have decided otherwise, and then in what situation would the House have been placed? The course taken was recommended by Sir V. Gibbs, because he thought that the court would refuse to enter into the question of privilege. But the case of Sir F. Burdett was peculiar. He spoke it with all respect; but he thought it necessary to state his strong conviction that the House deserted its duty when it allowed that plea. It was obvious why it did allow it; it thereby escaped for the moment from a great difficulty. Sir F. Burdett had impugned the constitution of the House as representing the people, and that was not a question on which it was convenient for the Government to appeal to the people; the more it was debated, the greater was the disgust excited, at least on the part of a considerable portion of the people. Therefore they would rather submit to anything than to a discussion whether Sir Francis Burdett ought to be committed as a libeller for asserting that the House of Commons did not represent the people. The Government of the day had therefore thought it convenient to allow the plea to be pleaded. It thus deserted the ancient practice it had until then pursued. Having most diligently searched, with no other desire than that of ascertaining truth, he could state confidently that there did not exist a single instance to support the course then recommended. He could point out instance after instance where the House of Lords and the House of Commons had prevented cases from being proceeded with, by arresting the parties and holding them in custody until they discharged the actions. There was a recent instance in the House of Lords, where a Mr. Bell, being asked for his umbrella as he entered the House, gave it to an officer to be placed where it was supposed it would be secure. The umbrella was lost, and Mr. Bell sued the officer for the value of it. Lord Eldon was chancellor at the time, and the party being brought before the House, was committed until he consented to discharge the suit. Another case had occurred, he believed, in 1768:—There was a riot in Palace-yard—the Peers were annoyed and obstructed, and "45" was chalked upon their coaches. A magistrate of the name of Hewitt caused a person to be taken into custody—the House of Lords having given some orders for clearing the approaches. An action was brought against the magistrate, and the House of Lords had the plaintiff's attorney and all the parties brought before it. Lord Camden was then chancellor, and the parties were committed until they discharged the action. In fact, there was no precedent to the contrary. His hon. and learned Friend had commenced with Burdett and Abbott, and with that precedent he must commence. That case, as he had said, ought to operate as a warning, not as an example; because the Court of King's Bench did enter into the question whether the privilege claimed by the House did or did not exist. The case was carried to the House of Lords, and what was the inference? That the privileges of the House, as far as that case was concerned, depended upon the decision of the House of Lords. He was at issue with his hon. and learned Friend as to the constitutional course of proceeding. He maintained that it had not been the constitutional course to allow courts of law to decide upon the privileges of the House. Stockdale brought his action against Hansard, and there was, first, a plea of the general issue, and then a justification, that the publication charged as a libel and indecent was what it had been described. The inspector of prisons had found the book and had reported the fact. The case came before Lord Denman at Nisi Prius, and he ruled instantly, on the first plea, that the House possessed no such privilege; on the second plea the jury found that the book deserved the character given to it. The plaintiff had sued *in formâ pauperis*, and, therefore, there was end of the matter; but, in consequence of what Lord Denman had said, Stockdale sent his son to buy another copy of the report, and then he brought a second action. The question arose, what was to be done? The charge was, that Hansard had published this report on the management of prisons, asserting that a certain indecent book was accessible to the young and old prisoners. How was the House to sustain its privileges? Lord Campbell had certainly suggested that the House should plead its privilege, but he differed widely from his noble Friend on the propriety of that course. It seemed to him a bad precedent, that the House should put a plea on the record which left the matter to the opinion of the court. He had said that if that plea were entered, it must not be expected that the Court of Queen's Bench would take it for granted, that the House possessed the privilege, because it asserted it, but that the judges would take upon themselves to consider the question. In fact, they had decided that the House did not possess the privilege. On what ground, he would ask, did the privileges of the House rest? Only upon this—that privileges are necessary to enable the House to discharge its functions. Beyond what was necessary to enable the House properly and effectually to discharge its functions, it was usurpation and oppression upon those who were subject to its authority. But who was to decide what was necessary for the due discharge of the functions of the House? The necessity for privilege must necessarily vary with the occasion; the nature and degree of the obstruction or opposition to which it might be exposed no man could foresee. The Houses of Lords and Commons possessed the power of enabling themselves to discharge their functions, by whatever force they might be resisted; it was impossible to state what power might be required for such a purpose; and who then was to decide the point? The House only could judge when the occasion arises; it must look at the public exigency, and limit its privilege to the power that was necessary. It was to be surrendered, also, whenever the necessity ceased, and how could courts of law enter into or form a judgment upon any such question? Could courts of law determine what power or authority might or might not be necessary? Certainly not. Privilege was founded upon Parliamentary usage—upon actual usage, or upon principles growing out of usage. The journals of the House were not proper evidence of the fact in a court of law; but they were evidence in Parliament itself. Courts of law could not, therefore, be put in possession of legitimate evidence upon the question of privilege, and how could they turn aside from the rules by which they were bound, in order to institute such an inquiry? Privilege did not depend upon the common law, but upon Parliamentary law: and it was nothing less than idle for lawyers to attempt to decide upon it, whether they were on or off the bench. In Stockdale and Hansard the court decided against the House, and subsequently the House had not pleaded. Then came the case of Howard against Gossett, and the question again arose—what was to be done? The plaintiff had intimated to the Attorney-general, and to the other legal advisers of the Crown, that he did not bring that action to question the authority of the House to grant the warrant, but because its officers had been guilty of excess. On this account the House had permitted the plea to be entered; but where there had been no excess, no such plea had been allowed to be entered. Thus, there was the case of Burdett and Abbott, in which the court took upon itself to discuss whether the House had or had not the privilege; and next came the case of Stockdale and Hansard, in which the court decided that the House had no such privilege: now the case of Howard and Gossett was under consideration, and what had occurred there. It was said that excess had been committed, but who was to determine the question of excess, until he had first defined the limits of just authority? A lawyer would not be seduced by being told that the warrant was regular, what, according to strict technical rules, would be held regular. Was it fit that Parliament should thus be brought within the trammels of courts of law. It was the duty of courts of law to apply technicalities; but they were utterly inapplicable to cases of Parliamentary usage. His hon. and learned Friend (the Solicitor-general) had referred to the case where a writ of *habeas corpus* was moved for by the sheriffs. What had then occurred ought not to be forgotten. It was said, that the courts would admit the privilege; but what said Lord Denman? It was formerly supposed that commitments by the House were sufficient; but Lord Ellenborough had thrown out a hint, whether the cause of commitment, if it were stated on all occasions on the face of the warrant, might not sometimes be found obviously absurd. That was the small end of the wedge. These exprsssions by Lord Ellenborough ought to have been sufficient to warn the House; but then followed Lord Denman, who strongly insinuated that the House had had recourse to an irregular warrant. Here were the *obiter dicta* of two learned judges—first in the case of Burdett and Abbott; and, second, in that of the sheriffs; and the result might by and by be, that the court would think it necessary to go the length of investigating the cause of commitment. On this account he ever bore in mind what Lord Denman had said about the cause of commitment not being disclosed in the warrant. A brief had been delivered to him (Sir T. Wilde) to assist his hon. and learned Friends the Attorney and Solicitor-generals in the case of Howard and Gossett; but he had found that one of the objections was, that a man had gone to execute the warrant whose name was not in it; another objection was, that the officers remained in the House too long—in short that the warrant was to be judged, not by Parliamentary rules, but by the strict rules of law. Those strict rules of law seemed to him inapplicable, and he believed that the Court of Queen's Bench was about to be called upon to add another to the modern precedents of exercising jurisdiction in matters of privilege. He had some reason to think that the Attorney and Solicitor-generals differed from him in opinion, and he thought under the circumstances that it would be unseemly in him to act as counsel with them. He had therefore returned the brief, and said that he could not act in a case which he thought would be perilous to the privileges of the House? How did the case proceed? He must say, with all humility, that in his opinion the Attorney and Solicitor-generals appeared to have surrendered the case; they seemed to take it for granted that the warrants of the House were to be limited and judged of like ordinary documents—the mere warrants of magistrates committing offenders to prison. That position he denied; the counsel for the plaintiff examined all sorts of objectionable commitments, and had talked of what the House of Commons might not do if it were not restricted in its power. His hon. and learned Friends were not prepared to defend the warrant, and admitting the excess, a verdict for 100*l.* damages was recovered. In the second case the jury gave 500*l.* almost without seeing the book, and ascertaining whether it was or was not indecent, and the damages and costs in both cases had been paid by the House. He had read the right hon. Baronet's (Sir R. Peel) reasons for not allowing the officer of the House to plead in the former cases, and he wished that his hon. and learned Friend the Solicitor-general had read them also. They were sound and cogent reasons. The right hon. Baronet admitted the great difficulty in which the House was placed. He admitted that it was very difficult for the House to decide as to the course the House should take. To enter upon a contest where the privileges of the House were contested must ever be deeply regretted. He was aware of the dire result, but it was a result infinitely less direful than that the House should lose its place in the constitution. That was the choice held out to them. The course taken last Session had held out a premium to parties to bring actions and to try their privileges, and they would never maintain those privileges till they showed their due authority. With the honest intention of supporting the just authority of the House, hon. Members had consented to suggestions, which, being misapplied in the particular case, had done much injury to that authority, without obtaining any of that benefit which was anticipated. The arguments and the votes of hon. Members had dragged the House into a position in which they did not intend to have placed it. What he advised the House to do was, not to act hastily, in order to get rid of a present difficulty. He advised them to look well at the course they should adopt —to attend, with all respect, to the recommendations of his hon. and learned Friend; but not unadvisedly, and without grave consideration, to adopt them. The House had already resolved that they were the judges of their own privileges; they had resolved that it was a breach of their privileges for any court to enter upon their propriety or fitness; they had resolved that to bring an action to try the title of those privileges was also a breach. These resolutions stood upon their journals. Let them, if they pleased, appoint a committee; let them rescind those resolutions, and place their privileges upon the basis on which they should think they ought to stand; but let them not claim the possession of a power, and show themselves by their acts incompetent to maintain it, and unfit to be entrusted with it. He was aware that they could get rid of a momentary difficulty by pleading to the action; but the principle they would adopt would be far more important. Let him suppose a case of the exercise of their privileges. His hon. Friend the Member for Finsbury (Mr. T. Duncombe) had thought it necessary to call to the bar of the House the person having the custody of the register of electors for the county of Hertford. He (Sir T. Wilde) thought that was a very proper proceeding, and essential for the information of that House in the exercise of its privilege of judging in election matters, but he should have been very sorry to see that power called in question before the Court of Queen's Bench. There were occasions, many similar, for the interference of the House, so much opposed to the pursuits of lawyers, able and honest though they might be, that they would not be safe in intrusting the right to their decision. Did they mean always to plead to these actions? They would say to him, in reply, "No; we will be governed by the occasion." Then there never was a case which more required a decisive course. Mr. Howard brought an action, not for any excess, not for any irregularity, but to contest the power of the Sergeant-at-arms to execute the warrant issued by the Speaker on the authority of the House. Was that a question to send to a court of law for decision? What question would they not send to the law courts if this were allowed to be taken? In the case of Burdett *v.* Abbott, the Attorney-general recommended the House to plead that what had been done had been done by the authority of the House, and then he said that the court would not investigate whether the House possessed the power or not. It turned out that the Attorney-general was mistaken. He could not look upon the case of Burdett *v.* Abbott, without recollecting the time at which it occurred, and that it was possible the Government of that day might rather go to the courts of law than take upon themselves the responsibility of braving popular opinion. That was the first of his hon. and learned Friend's cases. The second case was that of Stockdale *v.* Hansard. His learned Friend asked how the courts of law were to know of the privilege if it were not pleaded? That was what his noble and learned Friend (Lord Campbell) had answered to him (Sir Thomas Wilde), and it was said that by not pleading they would be exposing the House to difficulties which they had avoided incurring on all former occasions. The House had acted upon his noble Friend's advice! they had pleaded, and had given the courts the power of determining their authority, and when the decision was against them, hon. Members refused to interfere, because, they said, "you have pleaded, and now you have got a decree against you, you wish to evade it; to this we will not agree." Then came the case of Howard *v.* Gossett; again he (Sir Thomas Wilde) objected that they ought not to plead; but another reason was given for differing from him— it was an action for excess, and only for excess, and hon. Members said, "how can you avoid pleading in a matter of excess?" Why, that was placing the power entirely in the hands of the court. None of the former cases, however, could be cited as applicable to this. The action must go on, it was said, unless the House pleaded, and unless the court knew the authority of the House. Why, it would go on notwithstanding their plea. And what would be the effect of their pleading? It would be to displace the House from its position in the constitution. Was it, or was it not, essential that the House of Commons should be co-ordinate with the House of Lords? It had been heretofore the practice of the House of Commons to be watchful—they had hitherto discussed the conduct of courts of law. Recent experience had shown that if judges stepped out of the strict line of their duty be it never so little, when there was a *primâ facie* case for inquiry, the House was ready though it might not be willing to institute an inquiry into the conduct of the judges. He did not think that they ought not to undervalue the influence on the courts of law of this state of things. Let them displace the House, however, from its position in the constitution, and it certainly appeared to him that they would deprive the House of this power, and they would deprive the public of the greatest security for the faithful and impartial administration of justice. How could they, then, agree with his hon. and learned Friend to submit their privileges to the judges? His hon. and learned Friend could not show one privilege of the House which had not been denied by some judge or the other. They should remember that one of the first steps which had inflicted the most grievous injury upon constitutional liberty had been the attack upon the privileges of that House. The seizure of five Members had led to a great infringement of public liberty. The privileges of the Commons were held in trust for the people, and the Commons could not resign those privileges without a base desertion of their duty. They were an ingredient in the constitution, inferior in importance to none. With regard to the House of Lords. How were they to be independent of the House of Lords, if the House of Commons was to be subordinate? The House of Lords had attempted to usurp original powers, and what had prevented them? The House of Commons. It would make one House subordinate to the other if they pleaded because an action at law might go by writ of error to the House of Lords. They might do so, but they would have altered the constitution of the country; they would have deprived the country of one of the elements of safety. The House of Lords had always maintained a control over, and had been the judges of, their own privileges. They had the power to protect their own privileges—the House of Commons had also the power to protect theirs. It was, therefore, most important that the House of Commons should keep their own privileges, and thus each House would be left to its own independent exercise of its rights and duties. They held those rights in trust for the people of England, and they were bound to see them neither abused nor abandoned. It was true that in former and bad times these privileges had been abused; but if it were shown that there had been abuses on the part of the House of Commons, he would undertake to show similar instances of abuse on the part of the House of Lords. Floyd's case, which was perhaps the most disgraceful of any, had been acquiesced in by both Houses; it was the act of both. The question was, would the House maintain its own privileges? or would they permit an action of law to be brought to hand over those privileges to the courts of law? He would show what course the Court of Chancery took under similar circumstances. If an officer of the Court of Chancery executed the process of the court, although it was irregular, yet, if an action were brought against the officer, the court would punish or commit the plaintiff, as he believed it would also do the attorney bringing the action; because he was sure that the court would not permit an attorney to do an act for which it would punish a plaintiff. There were several instances of the exercise of this power. It was exercised in the case of May *v.* Hook, 2 *Dickens*, 619, on 3rd February, 1774, the record of which was as follows:—

"A motion was made in the February following by the plaintiffs, 'That all proceedings in a certain action at law, brought by the defendant John Hook against the said E. Wilkins (the next friend,) and the plaintiffs Betsey and Hannah May, in his Majesty's Court of King's Bench, for an assault and imprisonment, may be stayed, in the presence of Mr. Attorney-general, of counsel with the defendant Hook. Whereupon, and upon hearing the said order of the 26th of June last, and what was alleged by the counsel for the said parties, and the plaintiffs submitting to make the defendant Hook such satisfaction for his imprisonment on the attachment as shall be approved of by one of the masters of this court, his lordship doth order that it be referred to Mr. Eames, one, &c., to consider what will be reasonable satisfaction to the defendant in respect thereof; and it is further ordered that the plaintiffs do pay the same to the defendant Hook, together with the costs directed by the said former order.'"

One of the recent cases was before Lord Eldon, and they could have no higher authority. In the case of Frowd *v.* Lawrence, 1 *Jacob Walker*, 655, a party had been taken on attachment from the Court of Chancery, which had been set aside for irregularity. An action was brought, and the party bringing it was committed. The Lord Chancellor (Lord Eldon,) in delivering judgment, said:—

"In this case an attachment, under, which the defendant was taken up, issued irregularly, and, upon his application, it was afterwards discharged with costs. No application was made to this court to visit the proceeding upon the parties concerned; but the defendant, after the attachment is discharged, brings an action at law for damages, and a motion is now made to me for an injunction to restrain him, *brevi manu,* from going on with it. I need not point out the importance of the question, because it is one between this court and the right of the subject to ask of a jury whether he is not entitled to damages for being deprived of his liberty. It was stated that there was a case in 'Vernon,' in which it had been expressly laid down that the court would not permit such an action to go on. That was a very strong case. The ground there taken was, that the court would not suffer its process to be examined by any other court; and that a court of law could know nothing of it. Some doubts having been suggested as to the accuracy of this report, I ordered the register's book to be searched, and I find that, though it does not contain precisely the same statement as is to be found in Vernon, yet it contains enough to satisfy me that the court thought it right to take the action into its own power. A later case, of May *v.* Hook, before Lord Bathurst, has since been mentioned, which was decided on the authority of the case in Vernon, and is directly in point. There an attachment was set aside; but the court would not permit an action to be brought, stating that if there was any reason to complain, the court would judge how such a case ought to be visited. If I can act upon that authority, so stated, it goes directly to the point in this case. But as this is a matter of great importance, I shall be obliged to the counsel if they will look into the register's book, and ascertain whether it is correct. It was mentioned that the entry in the register's book had been inspected, and that it agreed with the report in Dickens; upon which the Lord Chancellor made the order for the injunction, observing that though the jurisdiction was very strong, he was not at liberty to give it up."

In that case the officer of the Court of Chancery had committed a wrong, under the sanction of the court; and Lord Eldon, admitting that it was a grave question whether the party should be deprived of his right to go before a jury for damages, yet felt himself bound to maintain the privilege of his own court, and so he did. A similar rule had been acted on in the cases of Bailey *v.* Durieux, 1 *Vern.* 269, and Andrew *v.* Walton, *MS.*, January, 1834. In the case of the King *v.* Wheeler, 3 *Burr.* 1256, a person was committed for filing a bill in Chancery, after undertaking to abide the event of an award, and not to proceed in Chancery; and in the case of Davilla *v.* Almanza, 1 *Salk.* 73, where a cause referred by consent, and, before the award, the party proceeded in Chancery, an attachment was granted. So the Court of Exchequer would not allow actions to be brought. The House of Lords had repeatedly stopped actions against its own officers The House of Lords would punish parties for the obstruction of their officers, and in the case of Biggs *v.* Hesse, November, 1768, *Journals,* vol. xxxii, p. 185 and 189, where action was brought by a person who had been apprehended by the defendant as a magistrate, for being in a mob insulting the Lords in Palace-yard. Biggs, the plaintiff, and Aytell his attorney, were committed by the Lords; and the House of Commons had exercised a like privilege. What course, then, did he recommend the House to adopt. He thought that they might well appoint a committee to inquire into the circumstances under which this party was arrested; if any wrong had been done, let compensation be given: it was just where there was apparent injury, and compensation should be called for, they should inquire, and that the House should give compensation. If their officers had done wrong, they had not done so designedly—they had faithfully executed the orders of the House; let the House inquire what injury had been done, and if there had been injury let there be compensation. The amount of damage was not the question—whether it were 100*l.* or 500*l.*, was not a matter now for consideration; the House was bound to give compensation amptly, but they were bound also to maintain their own privileges. He had been aware only of this case for so short a time that he had not been able to collect the precedents so well as he could wish. The course they ought to take was clear—they ought never to have pleaded or to have sacrificed the privileges of the House, and now, when they were asked to plead again, let them take care. Let them look at the first general and vague declaration of Lord Ellenborough, and the more definite statement of Lord Denman. Let them look at what had taken place in the cause of Stockdale *v.* Hansard; the Legislature had decided that to be an essential privilege which the Court of Queen's Bench had declared not to be essential. Let them look at what had occurred; let them see what had been done, and be warned for the future. He regretted that this unimportant case should occupy the attention of the Government, when other matters of such importance were pressing upon them; but they must consider that here they were not acting for the purposes of the day. They were about to make a precedent which would be of the greatest importance to the country. With unfeigned respect for his hon. and learned Friend (the Solicitor-general), he must say, that the course which he recommended was destructive of the independence of the House, derogatory to its dignity, and flinging impediments in its way upon future occasions. It was not fit that the House should vacilate in the course it should take ["Hear, hear."] The right hon. Gentleman (Sir James Graham) smiled, but he did not conceive if they had adopted a principle in two or three cases contrary to the whole course of proceeding for centuries, that they ought not to be guided by the particular circumstances, and invite their attentive consideration to the course they should now take. He did not believe that they would be guilty of vacillation in deserting two or three recent cases if they were deserting bad precedents, and adopting those which were good. At any rate, he hoped that the House would not, by a hurried vote, reject the good.

Sir *Robert Peel* did not rise to enter into the discussion upon that occasion, but to make a communication of which the House ought to be apprised. The hon. and learned Gentleman had regretted that more ample notice had not been given of the discussion, but the fact was, that notice of the declaration was only served on the Sergeant-at-Arms on Saturday last. The Sergeant-at-Arms had taken the earliest opportunity of bringing the matter to the notice of the House, and the Solicitor-general had thought it his duty to draw to it the attention of the House at the earliest moment. He had just received a communication to the following effect: that the period for pleading expired to-morrow morning, and that if it were the intention to take out a summons to ask for further time to plead, it was necessary that the summons should be served before nine o'clock that night. The Sergeant-at-Arms was most unwilling to take any steps without the assent of the House; but, in consequence of the notice having been served on Saturday, the four days would expire to-morrow, and the Sergeant must at once determine whether he would plead or not, or he must ask for time to plead.

Sir *T. Wilde:* He may take out a summons for time to plead.

Sir *R. Peel* said, that he thought that serving the summons for further time might, in some sort, operate as a recognition by the House of the power of the courts of law.

Sir *T. Wilde* did not think that such a proceeding would be a recognition of the power of the courts. The summons and declaration had been served on Saturday, and four days being given to plead, as the House did not sit on Saturday, and Sunday intervened, it was not very difficult to see what was meant. But he did not conceive that applying for time to plead would be a recognition. The only condition, as his hon. and learned Friends knew, that was ever annexed to a grant of further time was, that the party should plead issuably and take a shorter notice of trial than he would otherwise have been entitled to.

The *Solicitor General* agreed with the hon. and learned Gentleman (Sir T. Wilde) that applying for time gave up nothing, it was a mere matter of course.

Sir *R. Peel* said, that he thought it had better be understood that the Sergeant-at-Arms should apply for further time to plead, as such a course compromised nothing.

Lord *J. Russell* asked whether the right hon. Gentleman would propose to adjourn the debate for some day certain, or to give notice in some way, so that hon. Members might have time to consider the subject and make up their minds upon it? It was a question on which they ought not to be obliged to come to a decision which might have the effect of causing them to encounter those difficulties which had been described by his hon. and learned Friend, without having time for mature consideration.

Mr. *Thesiger* said it occurred to him, that perhaps this summons might not be successful.

Sir *T. Wilde* said, that time was always given on the first application.

Sir *R. Peel*: Can the hon. and learned Gentleman inform us what time is likely to be granted?

Sir *T. Wilde* said, that as the cause was a Middlesex one, it was impossible that the party could go to trial till after Easter term. The judge at chambers might, therefore, give a week or a fortnight, or even a month, as it would in reality be no delay to the party.

Sir *R. Peel* said, that as it would be desirable the House should have an opportunity of considering the subject, he would propose that the debate be adjourned until Tuesday.

The *Solicitor General* said, that it was probable neither he nor his hon. and learned Friend the Attorney-general would be in town on that day.

Debate adjourned until Thursday.

CONDITION AND EDUCATION OF THE POOR.] Lord *Ashley* spoke as follows:*—Sir,—The question, that I have undertaken to submit to the deliberation of this House, is one so prodigiously vast, and so unspeakably important, that there may well be demanded an apology, if not an explanation, from any individual Member who presumes to handle so weighty and so difficult a matter. And, Sir, had any real difference of opinion existed, I should probably have refrained from the task; but late events have, I fear, proved that the moral condition of our people is unhealthy and even perilous—all are pretty nearly agreed that something further must be attempted for their welfare; and I now venture, therefore, to offer, for the discussion, both matter and opportunity. Surely, Sir, it will not be necessary as a preliminary to this motion to inquire on whom should rest the responsibility of our present condition—our duty is to examine the moral state of the country; to say whether it be safe, honourable, happy, and becoming the dignity of a Christian kingdom; and, if it be not so, to address ourselves to the cure of evils which, unlike most inveterate and deeply-rooted abuses, though they cannot be suffered to exist without danger, may be removed without the slightest grievance, real or imaginary, to any community or even any individual. The present time, too, is so far favourable to the propounding of this question, as that it finds us in a state of mind equally distant, I believe, from the two extremes of opinion; the one, that education is the direct, immediate, and lasting panacea for all our disorders; the other, that it will either do nothing at all, or even exasperate the mischief. That it will do everything is absurd; that it will do nothing is more so; every statesman, that is, every true statesman, of every age and nation has considered a moral, steady, obedient, and united people, indispensable to external greatness or internal peace. Wise men have marked out the road whereby these desirable ends may be attained; I will not multiply authorities; I will quote two only, the one secular, the other sacred:—

> "I think I may say," observes the famous John Locke, "that, of all the men we meet with, nine parts in ten are what they are, good or evil, useful or not, by their education. It is that which makes the great difference in mankind." "Train up a child," said Solomon, "in the way he should go; and when he is old he will not depart from it."

Now, has any man ever shewn by what other means we may arrive at this most necessary consummation? If it be required in small states and even in despotic monarchies; much more is it required in populous kingdoms and free governments; and such is our position—our lot is cast in a time when our numbers, already vast, are hourly increasing at an almost geometric ratio—our institutions receive, every day, a more liberal complexion, while the democratic principle, by the mere force of circumstances, is fostered and developed—the public safety demands, each year, a larger measure of enlightenment and self-control; of enlightenment that all may understand their real interests; of self-control that individual passion may be repressed to the advancement of public welfare. I know not where to search for these things but in the lessons and practice of the Gospel: true Christianity is essentially favourable to freedom of institutions in Church and State, because it imparts a judgment of your own and another's rights, a sense of public and private duty, an enlarged philanthropy and self-restraint, unknown to those democracies of former times, which are called, and only called, the polished nations of antiquity. Sir, I do not deny, very far from it, the vast and meritorious efforts of the National Society; nor will I speak disparagingly of the efforts of some of the dissenting bodies; but in spite of all that has been done, a tremendous waste still remains uncultivated, "a great and terrible wilderness," that I shall now endeavour to lay open before you. Sir, the population of England and Wales in the year 1801 was 8,872,980; in 1841 it had risen to 15,906,829, shewing an increase in less than half a century on the whole population of 7,033,849. If I here take one-fifth (which is understated, one-fourth being the ordinary calculation), as the number supposed to be capable of some education, there will result a number of 3,181,365; deducting one-third as provided for at private expense, there will be left a number of 2,120,910; deducting also for children in union workhouses, 50,000; and lastly, deducting 10 per cent. for accidents and casualties, 212,091; there will then be the number of 1,858,819 to be provided for at the public expense. Now by the tables in the excellent pamphlet of the rev. Mr. Burgess, of Chelsea, it appears that the total number of daily scholars, in connection with the Established church, is 749,626. By the same tables, the total number of daily scholars, in connection with dissenting bodies, is stated at 95,000; making a sum total of daily scholars in England and Wales, 844,626: leaving, without any daily instruction the number of 1,014,193 persons, These tables are calculated upon the returns of 1833, with an estimate for the increase of the Church of England scholars since those returns, and with an allowance in the same proportion for the increase of the dissenting scholars. But if we look forward to the next ten years, there will be an increase of at least 2,500,000 in the population; and should nothing be done to supply our want, we shall then have in addition to our present arrears, a fearful multitude of untutored savages. Next, I find as a sample of the state of adult and juvenile delinquency, that the number of committals in the year 1841 was, of persons of all ages, 27,760; and of persons under the age of sixteen years, the proportion was 11½ per cent. I quote these tables in conformity with established usage and ancient prejudice; but they are, with a view to any accurate estimate of the moral condition of the kingdom, altogether fallacious—they do not explain to us whether the cases be those of distinct criminals, or in many instances, those of the same individuals reproduced; if the proportion be increased we have no clue to the discovery whether it be real or fictitious, permanent or casual; if diminished, we congratulate each other, but without examining how far the diminution must be ascribed to an increased morality, or a more effective police—it is very well to rely on an effective police for short and turbulent periods; it is ruinous to rely on it for the government of a generation.—For after all, how much there must ever be perilous to the state, and perilous to society, which, whether it be manifested or not, is far beyond the scope of magisterial power, and curable only by a widely different process! I will not, therefore, attempt a comparison of one period of crime with another; if the matters be worse, my case is established; if better, they can be so only through the greater diffusion of external morality. That morality, then, which is so effective even on the surface of the nation, it should be our earnest and constant endeavour to root deeply in their hearts. Having stated this much in a general way, I will now take a few of those details which form a part of the complement of this mass of wickedness and mischief—we shall thus learn the principal seats of the danger, its character and extent locally, and, in a great degree, the mode and nature of the remedy. Sir, there have been laid upon the Table within the last few days, a report by Mr. Horner, and Mr. Saunders, inspectors of factories; and also the second report of the Childrens' Employment Commission; from these documents I shall draw very largely; and I wish to take this opportunity, as their final report has now been presented, of expressing to the Commissioners, my sincere and heartfelt thanks for an exercise of talent and vigour, never before surpassed by any public servants. The first town that I shall refer to is Manchester—some of those details I shall now quote I sated in the last Session: but I shall venture to state them again as they bear immediately on the question before us. By the police returns of Manchester made up to December, 1841, we find the number of persons taken into custody during that year, was 13,345. Discharged by magistrates without punishment, 10,208; of these, under twenty years of age, there were males, 3,069; and females, 745. By the same returns to July, 1842, (six months), there were taken into custody, 8,341; (this would make in a whole year, were the same proportion observed, 16,682;) of these, males, 5,810; females, 2,531. Now as to their instruction; with a knowledge of reading only, or reading and writing imperfectly, males, 1,999; females, 863. Neither read nor write, males, 3,098; females, 1,519;—total of these last 4,617. At fifteen and under twenty, 2,360; of these, males, 1,639; females, 721. But take what may be called the "curable" portion, and there will be, at ten years and under fifteen, 665; males, 547, females, 118. Discharged by the magistrates in 1842, without punishment (six months), 6,307, or at the rate of 12,614 in a year. Can the House be surprised at this statement, when the means for supplying opportunities to crime and the practice of debauchery are so abundant? It appears that there are in Manchester—Pawnbrokers, 129; this may be a symptom of distress; beerhouses, 769; public houses, 498; brothels, 309; ditto, lately suppressed, 111; ditto, where prostitutes are kept, 163; ditto, where they resort, 223; street-walkers in borough, 763; thieves residing in the borough who do nothing but steal, 212; persons following some lawful occupation, but augmenting their gains by habitual violation of the law, 160; houses for receiving stolen goods, 63; ditto, suppressed lately, 32; houses for resort of thieves, 103; ditto, lately suppressed, 25; lodging-houses where sexes indiscriminately sleep together, 109. But there is another cause that aids the progress of crime which prevails in the town of Manchester. I will mention the fact, that a vast number of children of the tenderest years, either through absence or through neglect of their parents, I do not now say which, are suffered to roam at large through the streets of the town, contracting the most idle and profligate habits. I have here a return that I myself moved for in the year 1836, and I see that the number of children found wandering in the streets, and restored to their parents by the police in 1835, was no less than 8,650, in 1840 it was reduced to 5,500—having heard this table the House will not be surprised at the observations I am about to read from a gentleman of long and practical knowledge of the place:—

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* From a corrected Report.

> "What chance," says he, "have these children of becoming good members of society? These unfortunates gradually acquire vagrant habits, become beggars, vagrants, criminals. It does not appear unfair to calculate that in the borough of Manchester 1,500 children are added to 'les classes dangereuses' annually. "Besides," he adds, "the moral evil produced by these 1,500, let a calculation be made how much money per annum this criminal class costs the state."

I will next take the town of Birmingham; and it will be seen by the police returns for 1841, that the number of persons who were taken into custody was 5,556, of these the males were 4,537, and the females, 1,018. Of these there could neither read nor write, 2,711; who could read only and write imperfectly, 2,504; read and write well, 206; having superior instruction, 36. I feel that it is necessary to apologise to the House for troubling them with such minute details; nevertheless, details such as these are absolutely indispensable. Now from a report on the state of education in the town of Birmingham, made by the Birmingham Statistical Society—one of those useful bodies which have sprung up of late years, and which give to the public a great mass of information, that may be turned to the best purposes—I find that the total number of schools of all kinds in the town of Birmingham is 669; but then the society calls everything a school where a child receives any sort of instruction, perhaps in a place more fitted to be a sty or coal-hole. Now out of the whole mass of the entire population of Birmingham there were 27,659 scholars. A vast proportion of these schools are what are called "dame schools;" and what these are in truth, may be known by the surveyor's report, who says of them, "moral and religious instruction forms no part of the system in dame-schools. A mistress in one of this class of schools on being asked whether she gave moral instruction to her scholars, replied, 'No, I can't afford it at 3*d*. a-week.' Several did not know the meaning of the question. Very few appeared to think it was a part of their duty."—This, then, being the number of the schools for educating the young, and the character of the education imparted to them, I may now be allowed to state what are the means for the practice of vice. From the police returns for 1840, it appears that the number of these places is 998, and they are thus distributed:—Houses for reception of stolen goods, 81; ditto, for resort of thieves, 228; brothels where prostitutes are kept, 200; houses of ill-fame, where they resort, 110; number of houses where they lodge, 187; number of mendicants' lodging-houses, 122; houses where sexes sleep indiscriminately together, 47—998; add to this, pudlic-houses, 577; beer shops, 573. I will close this part by reading to the House an extract from a report, made by a committee of medical gentlemen in Birmingham, who, in the most benevolent spirit, devoted themselves to an examination of the state of Birmingham; and who, looking to the removal of the growing evils that threaten the population, assert, that—

"The first and most prominent suggestion is, the better education of the females in the arts of domestic economy. To the extreme ignorance of domestic management, on the part of the wives of the mechanics, is much of the misery and want of comfort to be traced. Numerous instances have occurred to us of the confirmed drunkard who attributes his habits of dissipation to a wretched home."

I will next take the town of Leeds; and there it will be seen that the police details would be very similar in character, though differing in number, to those of Manchester and Birmingham—the report of the state of Leeds for 1838, is to this effect:—

"It appears that the early periods of life furnish the greatest portion of criminals. Children of seven, eight, and nine years of age are not unfrequently brought before magistrates; a very large portion under fourteen years. The parents are, it is to be feared in many instances, the direct causes of their crime." "The spirit of lawless insubordination (says Mr. Symons, the sub-commissioner) which prevails at Leeds among the children is very manifest: it is matter for painful apprehension."

James Child, an inspector of police, states that which is well worthy of the attention of the House. He says there is—

"A great deal of drunkenness, especially among the young people. I have seen children very little higher than the table at these shops. There are some beer-shops where there are rooms up stairs, and the boys and girls, old people, and married of both sexes, go up two by two, as they can agree, to have connection. . . . I am sure that sexual connection begins between boys and girls at fourteen or fifteen years old."

John Stubbs, of the police force, con firms the above testimony.—

"We have (he says) a deal of girls on the town under fifteen, and boys who live by thieving. There are half a dozen beer shops where none but young ones go at all. They support these houses."

I will now turn to Sheffield: The Rev. Mr. Livesey, the minister of St. Phillip's, having a population of 24,000, consisting almost exclusively of the labouring classes, gives in evidence,—

"Moral condition of children. . . . . in numerous instances most deplorable. . . On Sunday afternoons it is impossible to pass along the highways, &c. beyond the police boundaries, without encountering numerous groups of boys, from twelve years and upwards, gaming for copper coin. . . the boys are early initiated into habits of drinking. But the most revolting feature of juvenile depravity is early contamination from the association of the sexes. The outskirts of the town are absolutely polluted by this abomination; nor is the veil of darkness nor seclusion always sought by these degraded beings. Too often they are to be met in small parties, who appear to associate for the purpose of promiscuous intercourse, their ages being apparently about fourteen or fifteen."

The Rev. Mr. Farish states,—

"There are beer houses attended by youths exclusively, for the men will not have them in the same houses with themselves."

Hugh Parker, Esq. a justice of the peace, remarks,—

"A great proportion of the working classes are ignorant and profligate. . . the morals of their children exceedingly depraved and corrupt. . . given, at a very early age to petty theft, swearing, and lying; during minority to drunkenness, debauchery, idleness, profanation of the Sabbath; dog and prize-fighting."

Mr. Rayner, the superintendent of police, deposes that,—

"Lads from twelve to fourteen years of age constantly frequent beer-houses, and have, even at that age, their girls with them, who often incite them to commit petty thefts. . . vices of every description at a very early age . . . great number of vagrant children prowling about the streets . . . these corrupt the working children. . . The habits of the adults confirm the children in their vices."

George Messon, a police-officer, adds—

"There are many beer-shops which are frequented by boys only . . . as early as thirteen years of age. The girls are many of them loose in their conduct, and accompany the boys. . . I remember the Chartist attack on Sheffield last winter. I am certain that a great number of young lads were among them—some as young as fifteen. The generally act as men."

All this was confirmed by Daniel Astwood, also a police officer; by Mr. George Crossland, registrar and vestry clerk to the board of guardians; by Mr. Ashley, master of the Lancasterian school; by Dr. Knight, and by Mr. Carr, a surgeon. Mr. Abraham, the inventor of the magnetic guard, remarks,—

"There is most vice and levity and mischief in the class who are between sixteen and nineteen. You see more lads between seventeen and nineteen with dogs at their heels and other evidences of dissolute habits."

Mr. James Hall and others of the working people say, the—

"Morals of the children are tenfold worse than formerly. . . There are beer-shops frequented by boys from nine to fifteen years old, to play for money and liquor."

Charlotte Kirkman, a poor woman of the operative class, aged sixty, observes; and I much wish here to draw the attention of the House, because it is extremely desirable that they should know in what light, the best and most decent of the working people regard these things,—

"I think morals are getting much worse, which I attribute in a great measure to the beer-shops. . . There were no such girls in my time as there are now. When I was four or five and twenty, my mother would have knocked me down if I had spoken improperly to her. . . Many have children at fifteen. I think bastardy almost as common now as a woman being in the family-way by her husband. . . Now it's nothing thought about." "The evidence (says the sub-commissioner) with very few exceptions, attests a melancholy amount of immorality, among the children of the working classes in Sheffield, and especially among young persons. Within a year of the time of my visit," he continues, "the town was preserved from an organised scheme to fire and plunder it, merely by the information of one man, and the consequent readiness of the troops. A large body of men and boys marched on it in the dead of the night; and a very large quantity of crowsfeet to lame horses, pikes, and combustibles were found on them, at their houses, and left on the road. Several were pledged to fire their own houses. I name this, as a further illustration of the perilous ignorance and vice prevailing among that young class between boys and full grown men, who were known to be among the chief actors in these scenes."

Mr. Symons—and I shall the more effectively quote his opinions, because he is most strongly opposed to the political views which I venture to hold—further says, and it is right that I should state it in justice to so excellent a body of men:

"If vice increases in Sheffield, the blame assuredly rests not on the clergy; few towns are blessed with so pious or active a ministry. It is not for want of exertion on their parts, if the churches and chapels are unfilled, and the schools scantily attended; and this remark applies also to part of the Wesleyan and some other religious denominations."

I shall now proceed to another district, to Wolverhampton, and there I find Mr. Horne giving the following description:—

"Among all the children and young persons I examined, I found, with very few exceptions, that their minds were as stunted as their bodies; their moral feelings stagnant. . . . The children and young persons possess but little sense of moral duty towards their parents and have little affection for them. . . . One child believed that Pontius Pilate and Goliath were apostles; another, fourteen or fifteen years of age, did not know how many two and two made. In my evidence taken in this town alone, as many as five children and young persons had never heard even the name of Jesus Christ. . . You will find boys who have never heard of such a place as London. and of Willenhall, (only three miles distant,) who have never heard of the name of the Queen, or of such names as Wellington, Nelson, Buonaparte, or King George. But, (adds the commissioner) while of Scripture names I could not, in general obtain any rational account, many of the most sacred names never having even been heard, there was a general knowledge of the lives of Dick Turpin and Jack Sheppard, not to mention the preposterous epidemic of a hybrid negro song."

This we may suppose is an elegant periphrasis for the popular song of "Jim Crow."—Mr. Horne goes on to say—

"The master of the British School deposes, 'I have resided, as a teacher, for the last six years, during which I have observed that the character and habits of the numerous labouring poor are of the lowest order.' The master of the National School says, 'besotted to the last degree.'"

Sir, there are many things of an extremely horrid description to be detailed concerning the physical condition of the children in these parts, but I forbear to touch them at present, being engaged only on their moral deficiency. I now go to Willenhall, and there it is said,—

"A lower condition of morals cannot, I think, be found—they sink some degrees, (if that be possible) below the worst classes of children and young persons in Wolverhampton; they do not display the remotest sign of comprehension as to what is meant by the term of morals."

Next, of Wednesfield, it is said the population are—

"Much addicted to drinking; many besotted in the extreme; poor dejected men, with hardly a rag to their backs, are often seen drunk two or three days in the week, and even when they have large families."

The same profligacy and ignorance at Darlaston, where we have the evidence of three parties, an overseer, a collector, and a relieving officer, to a very curious fact; I quote this to show the utter reckless-ness and intellectual apathy in which these people live, caring little but for existence, and the immediate physical wants of the passing hour; they state,

"That there are as many as 100 men in Darlaston who do not know their own names, only their nicknames."

But it is said that in Bilston things are much better. It is remarked that the

"Moral condition of children and young persons on the whole was very superior to that in Wolverhampton."

He excepts, however,

"The bank-girls, and those who work at the screw manufactories.",

Among them,

"'Great numbers of bastards;' the bank-girls drive coal-carts, ride astride upon horses, drink, swear, fight, smoke, whistle, sing, and care for nobody."

Here I must observe, if things are better in Bilston, it is owing to the dawn of education,

"To the great exertions of the Rev. Mr. Fletcher, and the Rev. Mr. Owen, in the church; and Mr. Robert Bew (chemist), and Mr. Dimmock (iron merchant), among the Dissenters."

Next as to Sedgeley,

"Children and young persons, (says the rector), grow up in irreligion, immorality, and ignorance. The number of girls at nailing considerably exceeds that of the boys; it may be termed the district of female blacksmiths; constantly associating with depraved adults, and young persons of the opposite sex, they naturally fall into all their ways; and drink, smoke, swear, &c. &c., and become as bad as men. The men and boys are usually naked, except a pair of trowsers; the women and girls have only a thin ragged petticoat, and an open shirt without sleeves."

Look to Warrington; the hon. and rev. Horace Powys, the rector, says, and there is no man more capable from talent and character of giving an opinion,—

"My conviction is—and it is founded on the observation of some years—that the general condition of the children employed in labour in this town is alarmingly degraded, both religiously, morally, and intellectually."

And here too is the evidence of the Rev. John Molyneux, a Roman Catholic priest, who began by stating his peculiar qualifications to give testimony, having a congregation of 3,000 persons, and chiefly among the poorer classes:—

"Children in pin-works, (he said), are very immoral—they sit close together, and encourage each other in cursing and swearing, and loose conversation, which I grant you they do not understand, (a conclusion in which I cannot agree;)—but it renders them (he adds) prone to adopt the acts of immorality on which they converse. Those girls, who from very early labour at pins go to the factories, do not ever make good housekeepers—they have no idea of it; neither of economy, nor cooking, nor mending their clothes."

Next, Sir, I will examine the Potteries. Mr. Scriven, the sub-commissioner, uses these expressions:—

"I almost tremble, however, when I contemplate the fearful deficiency of knowledge existing throughout the district, and the consequences likely to result to this increased and increasing population. . . . It will appear, (he adds), by the evidence from Cobridge and Burslem, that more than three-fourths of the persons therein named can neither read nor write. . . . It is not from my own knowledge, (he continues), that I proclaim their utter, their absolute ignorance. I would respectfully refer you to the evidence of their own pastors and masters, and it will appear that, as one man, they acknowledge and lament their low and degraded condition."

Mr. Lowndes, clerk to the Board of Guardians of the Burslem Union, says—

"It is with pain that I have witnessed the demoralizing effects of the system, as it has hitherto existed. . . . It appears to me fraught with incalculable evils, both physical and moral."

Mr. Grainger, a sub-commissioner, in his report respecting Nottingham, writes—

"All parties, clergy, police, manufacturers, workpeople, and parents, agree that the present system is a most fertile source of immorality . . . The natural results . . . have contributed in no slight degree, to the immorality, which, according to the opinion universally expressed, prevails to a most awful extent in Nottingham. Much of the existing evil is to be traced to the vicious habits of parents, many of whom are utterly indifferent to the moral and physical welfare of their off-spring. Education of the girls more neglected even than that of boys. . . . Vast majority of females utterly ignorant. . . . Impossible to overstate evils which result from this deplorable ignorance. . . . The medical practitioners of Birmingham forcibly point out the 'misery which ensues; improvidence, absence of all comfort, neglect of children, and alienation of all affection in families, and drunkenness on the part of the husband.'"

And here I have to call the attention of the House to the testimony of a most respectable person a simple mechanic; and I am very happy to put forward the views of this individual, because his statements are the result of long and personal experience. I refer to the evidence of Joseph Corbett, a mechanic of Birmingham. I confess that I should like to read the whole of the report. I recommend it strongly to your attention; it will be found in the Appendix to Mr. Grainger's report. I cannot, however, refrain from quoting one or two passages of it:—

"I have seen, (he says), the entire ruin of many families from the waste of money and bad conduct of fathers and sons seeking amusement and pastime in an alehouse. From no other single cause alone does half so much demoralization and misery proceed."

He then adds,

"From my own experience,"

And here he spoke with feeling on the subject; for he referred to what he had seen in his own home, and what he had witnessed with respect to his parents:—

"My own experience tells me that the instruction of the females in the work of a house, in teaching them to produce cheerfulness and comfort at the fireside, would prevent a great amount of misery and crime. There would be fewer drunken husbands and disobedient children. . . . As a working man, within my observation, female education is disgracefully neglected. I attach more importance to it than to anything else."

I cannot think that any one will be displeased to hear such sentiments, coming from a man in the situation of Joseph Corbett. Take this as a proof of what the working people may be brought to, if they cease to be so utterly neglected. This is an instance, among many, to show how many thousands of right-hearted Englishmen, if you would but train them, you might raise up among the ranks of the operative classes. This, Sir, is pretty nearly the whole of the statements which I have to make as to these districts; but there are other opinions, by persons of great authority on this subject and which, with the permission of the House, I will read, although I have not permission to give the names of the writers. One gentleman, whose opportunities of observation are unequalled, speaks of

"The present existence of a highly demoralised middle-aged and rising generation, worse and more debased than, I believe, any previous generation for the last three hundred years."

A clergyman, writing from one of the disturbed districts, says:—

"The moral condition of the people is as bad as it is possible to be. Vice is unrebuked, unabashed; moral character of no avail. * * * A spirit of disaffection prevails almost universally—magistrates, masters, pastors, and all superiors, are regarded as enemies and oppressors."

Another, in writing from the disturbed districts, states:—

"I took down myself the following words, as they fell from the lips of a Chartist orator—'The prevalence of intemperence and other vicious habits was the fault of the aristocracy and the mill-owners, who had neglected to provide the people with sufficient means of moral improvement, and would form an item of that great account which they would one day be called upon to render to a people indignant at the discovery of their own debasement."

Another remarked:—

"A working man's hall is opened on Sundays; and in this, 300 poor children are initiated into infidel and seditious principles."

Another said:

"A wild and satanic spirit is infused into the hearers."

An officer of great experience to whom I put the question—

"What are the consequences to be apprehended if the present state of things be suffered to continue?" replies—'Unless a speedy alteration be made in the manufacturing districts, a fresh and more extensive outbreak will again occur, threatening loss to the whole nation.'"

Sir, I must now remark, that this condition of things prevails, more or less, throughout the whole of England, but particularly in the manufacturing and trading districts. The evil is not partial, it is almost universally diffused over the surface of the country. The time I might be allowed to occupy would be insufficient for me to travel through the whole of the details; but the House will find, in the second report of the Children's Employment Commission, which is devoted to the statement of their moral condition, the proof that it everywhere afflicts the country—it is nearly universal throughout the whole of the coal and iron-fields of Great Britain and Wales. Look to the east of Scotland—one clergyman says:—

"The condition of the lower classes is daily becoming worse in regard to education; and it is telling every day upon the moral and economic condition of the adult population."

Another clergyman remarks:—

"The country will be inevitably ruined, unless some steps are taken by the Legislature to secure education to the children of the working classes."

Of North Wales we see it stated :—

"Not one collier-boy in ten can read, so as to comprehend what he reads."

While of South Wales it is observed :—

"Many are almost in a state of barbarism. Religious and moral training is out of the question. I should certainly be within bounds by saying that not one grown male or female in fifty can read."

In the West of Scotland I find the same class of persons described as follows :—

"A large portion of the colliery and iron-work hands are living in an utterly depraved state, a moral degradation, which is entailing misery and disease on themselves, and disorder on the community."

There is an equally lamentable state of things existing in Yorkshire, Durham, Lancashire, North Staffordshire and Cumberland. The replies of many of the children who were questioned by the commissioners, shew a state of things utterly disgraceful to the character of a Christian country. One of the children replied to a question put to him :

"I never heard of France; I never heard of Scotland or Ireland; I do not know what America is."

James Taylor, a boy eleven years old, said that he

"Has never heard of Jesus Christ; has never heard of God, but has heard the men in the pit say 'God damn them;' never heard of London."

A girl eighteen years old, said,

"I never heard of Christ at all."

This, indeed, the commissioner adds, is very common among children and young persons. She proceeded to say,

"I never go to church or chapel; (again), I don't know who God is."

The sub-commissioner who visited Halifax, has recorded this sentence :—

"You have expressed surprise, says an employer, at Thomas Mitchell not having heard of God; I judge there are very few colliers here about that have."

Now can it be possible that such a state of things should exist without being attended with the most pernicious consequences? but, I will go further, and rejoice that it is not possible—an evil unfelt is an evil unseen; nothing but an urgent and a biting necessity will rouse us to action from our fancied security. First, Sir, observe the effects that are produced by the drunken habits of the working-classes; you cannot have a more unanswerable proof of the moral degradation of a people. I know it is frequently asserted that inebriety has yielded, in many instances, to greater habits of temperance; but suppose it to be so; the abatement is merely fractional; and no guarantee is given, in an improved morality, that those persons will not return to their former vicious courses—the abatement, however, has not taken place, at least in those districts which were lately subjected to the inquiries of the commissioners. Will the House now listen to some statements on this subject, which, lamentable as is the condition they disclose, describe but a tenth part of the evils springing out of this sad propensity? In the year 1834 a committee was appointed on the motion of Mr. Buckingham, to investigate the causes and effects of drunkenness. That committee produced a report, which, by the by, has never received a tithe of the attention so valuable a document deserved; from that report we learn that the sum annually expended by the working-people in the consumption of ardent spirits is estimated at twenty-five millions! and "I have no doubt," says a witness of great experience,

"That it is, in fact, to a much larger extent."

I wrote to the chaplain of a county gaol, a gentleman of considerable observation and judgment, and put to him the following question,

"How much of the crime that brings prisoners to the gaol can you trace to habits of intoxication?"

Now mark his reply;

"In order to arrive at a just conclusion, I devoted several nights to a careful examination of the entries in my journals for a series of years, and although I had been impressed previously with a very strong conviction, derived from my own personal experience in attendance on the sick poor, that the practice of drinking was the great moral pestilence of the kingdom, I was certainly not prepared for the frightful extent to which I find it chargeable with the production of crime; I am within the mark in saying that three-fourths of the crime committed is the result of intemperance."

In corroboration of this, I will appeal to the very valuable evidence given by Mr. J. Smith, the governor of the prison in Edinburgh. That witness states—

> "Having been for a number of years a missionary among the poor in Edinburgh, and having for two years had the charge of the house of refuge for the destitute, I have had, perhaps, the best opportunities of observing how far drunkenness produced ignorance, destitution, and crime; and the result of my experience is a firm conviction that, but for the effects of intemperance, directly and indirectly, instead of having 500 prisoners, in this prison at this time, there would not have been 50."

The next document to which I shall refer, I regard as of a most important nature, and as one which deserves the most serious attention of the House. It is a memorial drawn up by a body of working men at Paisley, and addressed to their employers. It bears, assuredly, a remarkable testimony as to the moral effects of intemperance. I entertain a strong opinion of the great value of this paper, not only from the opinions which it expresses, but because it developes the sentiments of that class who are the agents and victims of this disastrous habit, and who speak, therefore, from practical knowledge. It states that:—

> "Drunkenness is most injurious to the interests of the weavers as a body; drunkards are always on the brink of destitution. There can be no doubt that whatever depresses the moral worth of any body of workmen, likewise depresses their wages; and whatever elevates that worth, enables them to obtain and procure higher wages."

This, Sir, in my opinion, is as sound political economy as ever has been spoken, written, or published. Again, I find it stated in the report of Mr. Buckingham's committee, that the estimated value of the property lost or deteriorated by drunkenness, either by shipwreck or mischiefs of a similar character, was not less than 50,000,000*l.* a-year. These are the financial losses; and it may be easy to estimate, with sufficient accuracy, the pecuniary damage that society undergoes by these pernicious practices; but it is not so easy to estimate the moral and social waste, the intellectual suffering and degradation which follow in their train. To that end I must here invite the attention of the House to evidence of another description; I will lay before them the testimony of eminent medical men, who will shew what ruin of the intellect and the disposition attends the indulgence of these vicious enjoyments—we shall see how large a proportion of the cases of lunacy is ascribable to intoxication; but we shall draw, moreover, this startling conclusion, that, if thousands from this cause are deprived of their reason and incarcerated in mad-houses, there must be many-fold more, who, though they fall short of the point of absolute insanity, are impaired in their understanding and moral perceptions. The first medical authority to which I shall refer, is a very eminent physician, well known to many Members of this House, I mean Dr. Corsellis, of the Wakefield Lunatic Asylum:—

> "I am led (he says) to believe that intemperance is the exciting cause of insanity in about one-third of the cases of this institution."

And he adds:—

> "The proportion at Glasgow is about 26 per cent., and at Aberdeen 18 per cent."

Dr. Browne, of the Crichton Asylum, Dumfries, says:—

> "The applications for the introduction of individuals who have lost reason from excessive drinking continue to be very numerous."

At Northampton, the superintendent of the asylum says:—

> "Amongst the causes of insanity, intemperance predominates."

At Montrose, Dr. Poole, the head of the asylum, says:—

> "Twenty-four per cent. of insane cases from intemperance."

Dr. Pritchard, who is well known, not only in the medical, but also in the literary world, writes to me that—

> "The medical writers of all countries reckon intemperance among the most influential exciting causes of insanity. Esquirol, who has been most celebrated on the continent for his researches into the statistics of madness, and who is well known to have extended his inquiries into all countries, was of opinion that 'this cause gives rise to one-half of the cases of insanity that occur in Great Britain.'"

Dr. Prichard adds that:—

> "This fact, although startling, is confirmed by many instances. It was found, that in an asylum at Liverpool, to which 495 patients had been admitted, not less than 257 had become insane from intemperance."

It is confirmed as a scientific fact by statements of American physicians almost without exception. Dr. Rensselaer, of the United States, says that—

> "In his opinion, one-half of the cases of insanity which came under the care of medical men in that country arose more or less from the use of strong drink."

These things, Sir, not only inflict misery and suffering on a very large class of the present community, but they entail a heavy loss on the country at large. It cannot be denied, that the State has an interest in the health and strength of her sons; but the effects of various diseases on one generation are transmitted with intensity to another! I may also mention, to support these opinions, that the number of admissions to the Somerset Hospital, Cape Town, in the course of a year and nine months, was 1,050, and of these not less than 763 were the result of intemperance. It was also found, by *post mortem* examinations, that in the same period the number of deaths in that hospital, which was caused by intemperance, was not less than eight out of ten. Now, look to the pauperism it produces; one instance shall suffice: Mr. Chadwick gave in evidence before the Committee on Drunkenness, in 1834:—

> "The contractor for the management of the poor in Lambeth, and other parishes, stated to me that he once investigated the cause of pauperism in the cases of paupers then under his charge. The inquiry, he says, was conducted for some months, as I investigated every new case, and I found in nine cases out of ten the main cause was the ungovernable inclination for fermented liquors."

Next, Sir, vice is expensive to the public; Mr. Collins, in his valuable statistics of Glasgow, observes:—

> "The people will cost us much, whether we will or not; if we will not suffer ourselves to be taxed for their religious instruction, we must suffer to be taxed for the punishment and repression of crime."

I will now just give a short estimate of the amount of the expense to which the country is subjected directly for the suppression of crime. I find that the expense of jails in 1841 was 137,449*l.*; during the same period, the expense of houses of correction was 129,163*l.*; making together a total of 256,612*l.* The expense of criminal prosecutions in 1841 was 170,521*l.*; the charge for the conveyance of prisoners was 23,242*l.*; the charge for the conveyance of transports to the hulks, &c., 8,195*l.*; and the expense for vagrants, 7,167*l.* These items make together the sum of 209,125*l.* The expense of the rural police, and it should be remembered that this is only for a few counties, is 139,228*l.* Thus the charges under the three heads which I have mentioned, amount, in a single year, to 604,965*l.* But here, Sir, is a document well deserving, I think, of the attention of the House—a curious illustration of the facts we are asserting; I have not been able to verify it myself, but I will take it as stated. In the county of Lancaster, in 1832, the number of criminal cases tried at the assizes was 126, and the average charge for each of them 40*l.* The number of cases tried at the sessions was 2,587, and the average charge for each of these was 7*l.* 19*s.* The aggregate amount of charge was 25,656*l.* Now, in addition to this average charge, let us take the estimate cost for the transportation across the seas of each person convicted at 25*l.* This would be a gross sum for the cost of each prosecution of 65*l.*;—if the calculation, then, of Mr. Burgess be correct, that eleven shillings in the year will supply the education of one child for that term, we must confess that for the expense of a single convict, we might, during the space of twelve months, give moral and religious education to one hundred and seventeen children. Nevertheless, Sir, it is a melancholy fact, that while the country disburses the sums I have mentioned, and more too, for the punishment of crime, the State devotes but 30,000*l.* a-year to the infusion of virtue; and yet, I ask you, could you institute a happier and healthier economy in your finances, than to reduce your criminal, so to speak, and increase your moral expenditure? Difficulties may lie in your way; mortifications may follow your attempts, but you cannot fail of raising some to the dignity of virtuous men, and many to the rank of tranquil and governable citizens. I have not here included an estimate of the loss inflicted on society by plunder, violence, and neglect; nor can I arrive at it; it must, however, be necessarily very large. Let us use as an approximation a statement made by a late Member of this House (Mr. Slaney.) that, in one year, in the town of Liverpool alone, the loss by plunder was calculated at the enormous sum of 700,000*l.* Thus far, Sir, I have endeavoured to lay before you an outline of our present condition, and to collect, into one point of view, a few of the more prominent mischiefs. A partial remedy for these evils will be found in the moral and religious culture of the infant mind; but this is not all: we must look further, and do more, if we desire to place the working-classes in such a condition that, the lessons they have learned as children, they may have freedom to practise as adults. Now, if it be true, as most undoubtedly it is, that the State has a deep interest in the moral and physical prosperity of all her children, she must not terminate her care with the years of infancy, but extend her control and providence over many other circumstances that affect the working-man's life. Without entering here into the nature and variety of those practical details, which might be advantageously taught in addition to the first and indispensable elements, we shall readily perceive that many things are requisite, even to the adult, to secure to him, so far as is possible, the well-being of his moral and physical condition. I speak not now of laws and regulations to abridge, but to enlarge his freedom; not to limit his rights, but to multiply his opportunities of enjoying them; laws and regulations which shall give him what all confess to be his due; which shall relieve him from the danger of temptations he would willingly avoid, and under which he cannot but fall; and which shall place him, in many aspects of health, happiness, and possibilities of virtue, in that position of independence and security, from which, under the present state of things, be is too often excluded. Sir, there are many evils of this description which might be urged; but I shall name three only, as indications of what I mean, and as having a most injurious and most lasting effect on the moral and physical condition of an immense portion of our people. I will briefly state them; and there will then be no difficulty in shewing their connection with the present motion; and how deep and how immediate is their influence on the morals of infants and adults, of children and parents; and how utterly hopeless are all systems of education, so long as you suffer them extensively to prevail. The first I shall take is the truck system. Now hear what Mr. Horne, the sub-commissioner, says on this subject:

> "The truck system encourages improvidence, by preventing the chance of a habit of saving, for nobody can save food. It prevents a family from obtaining a sufficient supply of clothes, and more comfortable furniture, in proportion to the possession of which it is always found that the working-man becomes more steady, industrious, and careful. It therefore amounts to a prevention of good conduct."

In another place, he says

> "The poor working man never sees the colour of a coin, all his wages are consumed in food, and of the very worst quality; and to prevent the chance of his having a single penny in his possession, the reckonings were postponed from week to week, until sometimes two or three months had elapsed."

Now, as to the corrupting effects of this system, Mr. Horne, in his report, emphatically says:—

> "One final remark should, however, be made on the particular evil of the system, which principally relates to the moral condition of the children and young persons, nothing can be worse than the example set by the truck system—an example which is constantly before the eyes of the children, and in which they grow up, familiarised with the grossest frauds, the subtlest tricks, and the most dishonest evasions, habitually practised by their masters, parents, and other adults, in the very face of law and justice, and with perfect impunity."

Such is the result of this part of the inquiry made by Mr. Horne. That gentleman uses the emphatic language that the truck system not only familiarises the mind, and the mind too of the child, with the grossest frauds, but that it tends to prevent the practice of any of the moral virtues. See, too, the effect as stated in the evidence produced before Parliament. It is notorious that the system has led to the most serious effect in several parts of the country. The whole man suffers; his experience; his thrifty habits; his resolutions of forethought; he is widely and justly discontented, becomes a bad subject, and ripe for mischief. In 1834 the existence of the truck system drove the mining districts of South Wales into open rebellion; it produced the disturbances that took place in Staffordshire in 1842; and no one can calculate the flood of the moral and physical mischiefs that devastated those counties as the result of their outbreak. I will take, in the second place, the payment of wages in public-houses, beer-shops and localities of that description. You have recognised the principle of interdicting such a practice in the Colliery-bill of last year; let me shew how necessary it is that a law of that kind should become universal:—"Payments of wages in cash," says Mr. Horne,

> "Are made in a public-house (for the convenience, they pretend, of change), where

it is required that every man shall spend a shilling as a rule, which is to be spent in drink. Boys have also to spend proportionately to their wages (generally sixpence), and either they thus learn to drink by taking their share, or, if they cannot, some adult drinks it for them till they can. The keeper of this house generally delays the settling of accounts, so as to give more time for drinking previously."

Now, Sir, I have frequently heard discredit thrown on the exertions that have been made to promote the improvement in the moral condition of the working-classes, in consequence of the criminal conduct of some who had received a moral and religious education. No doubt it is true that persons may be found in jails who have received their education in Sunday and other schools; but there is many a man who will trace his ruin to the practice I mention; whole families have been pauperized; and, by a perverted logic, moral teaching itself is declared to be useless, because the system we allow has made moral practice next to impossible. The third, is the state of the dwellings of the poor—I will at once put before the House a picture drawn by an able hand;—Captain Miller the valuable superintendent of the police at Glasgow, writes thus:

> "In the very center of the city there is an accumulated mass of squalid wretchedness, which is probably unequalled in any other town in the British dominions. There is concentrated everything that is wretched, dissolute, loathsome and pestilential. These places are filled by a population of many thousands of miserable creatures. The houses in which they live are unfit even for sties; and every apartment is filled with a promiscuous crowd of men, women, and children; all in the most revolting state of filth and squalor. In many of the houses there is scarcely any ventilation; dunghills lie in the vicinity of the dwellings; and from the extremely defective sewerages, filth of every kind constantly accumulates. In these horrid dens the most abandoned characters of the city are collected; from whence they nightly issue to disseminate diseases, and to pour upon the town every species of crime and abomination."

Will any man after this tell me that it is to any purpose to take children for the purposes of education during two hours a day, and then turn them back for twenty-two to such scenes of vice, and filth, and misery? I am quite certain this statement is not exaggerated, I have been on the spot and seen it myself; and not only there, but I have found a similar state of things existing at Leeds, at Manchester, and in London. It is impossible for language to describe the horrid and disgraceful scenes that are exposed to the sight in these places, and I am sure that no one can recollect, without the most painful feelings, the thousands and hundreds of thousands, who ought to be the subjects of any system of education, that are hopelessly congregated in these dens of filth, of suffering, and infamy. Turn, then, to the invaluable report of Mr. Chadwick on the sanitary state of the population, which has just been presented to the House. He shows clearly how indispensable it is to establish some better regulations with regard to the residences of the people, if you wish to make them a moral and religious race, and that all your attempts at their reformation will be useless, if steps are not taken to promote their decency and comfort. He says, amongst the conclusions at which he arrives towards the end of his report:—

> "That the formation of all habits of cleanliness is obstructed by defective supplies of water; that the annual loss of life from filth and bad ventilation is greater than the loss from death or wounds in any wars in which the country has been engaged in modern times; that of the 43,000 cases of widowhood, and 112,000 cases of destitute orphanage, relieved from the poor's-rate in England alone, it appears that the greatest proportions of deaths of the heads of families occurred from the above specified and other removable causes; that their ages were under forty-five years—that is to say thirteen years below the natural probabilities of life, as shewn by the experience of the whole population of Sweden, that the younger population, bred up under noxious physical agencies, is inferior in physical organization and general health to a population preserved from the presence of such agencies; that the population, so exposed, is less susceptible of moral influences, and the effects of education are more transient, than with a healthy population; that these adverse circumstances tend to produce an adult population short-lived, improvident, reckless, and intemperate, and with habitual avidity for sensual gratification; that these habits lead to the abandonment of all the conveniences and the decencies of life, and especially lead to the over-crowding of their homes, which is destructive to the morality as well as to the health of large classes of both sexes; that defective town-cleansing fosters habits of the most abject degradation, tending to the demoralization of large numbers of human beings, who subsist by means of what they find amidst the various filth accumulated in neglected streets and by-places."

Now, Sir, can any one gainsay the assertion that this state of things is cruel, disgusting and perilous?—indifference, despair, neglect of every kind—of the household, the children, the moral and the physical part—must follow in the train of such evils; the contemplation of them distresses the standers by, it exasperates the sufferer and his whole class, it breeds discontent and every bad passion, and then when disaffection stalks abroad, we are alarmed, and cry out that we are fallen upon evil times, and so we are; but it is not because poverty is always seditious, but because wealth is too frequently oppressive. This, Sir, completes the picture I desired to lay before the House; it has been imperfectly, and I fear tediously drawn. There is, however less risk in taxing the patience than in taxing the faith of indulgent hearers. I have not presumed to propose a scheme, because I have ever thought that such a mighty undertaking demands the collective deliberation and wisdom of the executive, backed by the authority and influence of the Crown. But what does this picture exhibit. Mark, Sir, first the utter inefficiency of our penal code—of our capital and secondary punishments. The country is wearied with pamphlets and speeches on gaol-discipline, model-prisons, and corrective processes; meanwhile crime advances at a rapid pace; many are discharged because they cannot be punished, and many become worse by the very punishment they undergo—punishment is disarmed of a large part of its terrors, because it no longer can appeal to any sense of shame—and all this, because we will obstinately persist in setting our own wilfulness against the experience of mankind and the wisdom of revelation, and believe that we can regenerate the hardened man while we utterly neglect his pliant childhood. You are right to punish those awful miscreants who make a trade of blasphemy, and pollute the very atmosphere by their foul exhibitions; but you will never subdue their disciples and admirers, except by the implements of another armoury. You must draw from the great depository of truth all that can create and refine a sound public opinion—all that can institute and diffuse among the people the feelings and practices of morality. I hope I am not dictatorial in repeating here, that criminal tables and criminal statistics furnish no estimate of a nation's disorder. Culprits, such as they exhibit, are but the representatives of the mischief, spawned by the filth and corruption of the times. Were the crimes of these offenders the sum total of the crimes of England, although we should lament for the individuals, we might disregard the consequences; but the danger is wider, deeper, fiercer; and no one who has heard these statements and believes them, can hope that twenty years more will pass without some mighty convulsion, and displacement of the whole system of society. Next, Sir, observe that our very multitude oppresses us; and oppresses us, to, with all the fearful weight of a blessing converted into a curse. The King's strength ought to be in the multitude of his people; and so it is; not, however, such a people as we must shortly have; but in a people happy, healthy, and virtuous; "Sacra Deûm sanctique patres." Is that our condition of present comfort or prospective safety? You have seen in how many instances the intellect is impaired, and even destroyed by the opinions and practices of our moral world; honest industry will decline, energy will be blunted, and whatever shall remain of zeal be perverted to the worst and most perilous uses. An evil state of morals engenders and diffuses a ferocious spirit; the mind of man is as much affected by moral epidemics, as his body by disorders; thence arise murders, blasphemies, seditions, every thing that can tear prosperity from nations, and peace from individuals. See, Sir, the ferocity of disposition that your records disclose; look at the savage treatment of children and apprentices; and imagine the awful results, if such a spirit were let loose upon society. Is the character of your females nothing?—and yet hear the language of an eye-witness, and one long and deeply conversant with their character:—

> "They are becoming similar to the female followers of an army, wearing the garb of women, but actuated by the worst passions of men; in every riot or outbreak in the manufacturing districts the women are the leaders and exciters of the young men to violence. The language they indulge in is of the most horrid description—in short, while they are demoralised themselves, they demoralise all that come within their reach."

People, Mr. Speaker, will oftentimes administer consolation by urging that a mob of Englishmen will never be disgraced by the atrocities of the Continent. Now, Sir, apart from the fact that one hundredth part of "the reign of terror" is sufficient to annihiliate all virtue and all peace in society, we have never, except in 1780, and a few years ago at Bristol and Nottingham, seen a mob of our countrymen in triumphant possession. Conflagration then and plunder devastated the scene; nor were they forgotten in the riots of last year, when, during the short-lived anarchy of an hour, they fired I know not how many houses within the district of the Potteries. Consider, too, the rapid progress of time. In ten years from this hour—no long period in the history of a nation—all who are nine years of age will have reached the age of nineteen years; a period in which, with the few years that follow, there is the least sense of responsibility, the power of the liveliest action, and the greatest disregard of human suffering and human life. The early ages are of incalculable value; an idle reprobate of fourteen is almost irreclaimable; every year of delay abstracts from us thousands of useful fellow-citizens; nay, rather, it adds them to the ranks of viciousness, of misery, and of disorder. So long, Sir, as this plague-spot is festering among our people, all our labours will be in vain; our recent triumphs will avail us nothing—to no purpose, while we are rotten at heart, shall we toil to improve our finances, to expand our commerce, and explore the hidden sources of our difficulty and alarm. We feel that all is wrong, we grope at noonday as though it were night; disregarding the lessons of history and the Word of God, that there is neither hope, nor strength, nor comfort, nor peace, but in a virtuous, a "wise and an understanding people." But, if we will retrace our steps, and do the first works—if we will apply ourselves earnestly, in faith and fear, to this necessary service, there lie before us many paths of peace, many prospects of encouragement. Turn where you will; examine the agents of every honest calling, and you will find that the educated man is the safest and the best in every profession. I might quote the testimony of distinguished officers, both military and naval, and they will tell you that no discipline is so vigorous as morality. I have here the earnest declaration of various manufacturers, that trustworthiness and skill will ever follow on religious training. You have heard the opinions of the judges at the late special assizes, more particularly the charge of that eminent lawyer and good man, Chief Justice Tindal. I have read correspondence of the clergy in the disturbed districts, and they boldly assert, that very few belonging to their congregations and none belonging to their schools, were found among the insurgents against the public peace; because such persons well know that, however grievous their wrongs, they owe obedience to the laws, not on a calculation of forces, but for conscience' sake. Nor let us, Sir, put out of mind this great and stirring consideration, that the moral condition of England seems destined by Providence to lead the moral condition of the world. Year after year we are sending forth thousands and hundreds of thousands of our citizens to people the vast solitudes and islands of another hemisphere; the Anglo-Saxon race will shortly overspread half the habitable globe. What a mighty and what a rapid addition to the happiness of mankind, if these thousands should carry with them, and plant in those distant regions, our freedom, our laws, our morality, and our religion! This, Sir, is the ground of my appeal to this House; the plan that I venture to propose, and the argument by which I sustain it. It is, I know, but a portion of what the country requires; and even here we shall have, no doubt, disappointments to undergo, and failures to deplore; it will, nevertheless, bear for us abundant fruit. We owe to the poor of our land a weighty debt. We call them improvident and immoral, and so many of them are; but that improvidence and that immorality are the results, in a great measure, of our neglect, and, in not a little, of our example. We owe them, too, the debt of kinder language, and more frequent intercourse. This is no fanciful obligation; our people are more alive than any other to honest zeal for their cause, and sympathy with their necessities, which, fall though it oftentimes may on unimpressible hearts, never fails to find some that it comforts, and many that it softens. Only let us declare, this night, that we will enter on a novel and a better course—that we will seek their temporal, through their eternal welfare—and the half of our work will then have been achieved. There are many hearts to be won, many minds to be instructed, and many souls to be saved: "*Oh Patria! oh Divûm domus!*"—the blessing of God will rest upon our endeavours; and the oldest among us may perhaps live to enjoy, for himself and for his children, the opening day of the immortal, because the moral glories of the British empire. The noble Lord concluded by moving.*

"That an humble address be presented to her Majesty, praying that her Majesty will be graciously pleased to take into her instant and serious consideration the best means of diffusing the benefits and blessings of a moral and religious education among the working classes of her people."

Sir *James Graham*: Sir, my noble Friend has on this occasion spoken with that glowing fervour, with that elevated generosity of sentiment, with that fervent piety, which so eminently distinguish his character. For myself, I have been rebuked as seldom rising above the low level of party strife; it has been asserted that political hostility is the feeling which predominates in my mind, and which actuates my entire conduct. If the rebuke were a just one, I could only say that my example is one which it behoves all other men to avoid; but, without staying to vindicate myself from the charge, as applicable to other subjects, this let me say, most honestly and sincerely, that upon this occasion, and this subject, all party, all political considerations are utterly absent from my thoughts. The sole question here is a duty—an immense, an awful duty—which we owe to the mass of the people of this country. This is no question of party, nor should it for a moment be considered or treated as a question of party; the matter is simply and assuredly this, that in a great crisis of public affairs, it now behoves us carefully, and calmly, and kindly to consider the present moral and religious condition of the working classes. It is not our business on the present occasion to enter into the physical condition of the people. That is a subject, no doubt, of vast and paramount importance. It is obviously our duty to take into consideration the poverty and distress of the people, and to do all in the power of legislation, though it is but little that legislation can do, to provide them with the means of securing for themselves an ample reward for their labour and industry. But this is not the occasion for entering into this subject. One or two remarks, however, I will offer on some topics bearing on this subject, which my noble Friend introduced towards the close of his speech. As to the truck system, I on a former occasion expressed my fear, that in times of distress, and when labour is redundant, the subtlety of interested employers will always find means to defeat the law, and that when profits are low, the demand for labour reduced, and labour superabundant, the truck system of paying wages will, somehow or other, be practically in force. At the same time I will say, that if anything can be pointed out in the shape of additional legislation, which promises to break down the vicious system of paying wages by truck, I am quite satisfied that her Majesty's Government, and the Legislature, would be quite willing to entertain the proposal. With respect to the payment of wages in public houses, I readily admit that the system is a pernicious one, and I rejoice that on the occasion of the measure introduced by my noble Friend last Session, with respect to the regulation of labour in mines and collieries, the sense of the Legislature was decidedly marked in reprobation of this system. I entirely concur in the observations of my noble Friend on the subject of the dwellings of the poor. This is a matter which touches immediately their moral condition; because the education of the children would fail to produce half its beneficial effect if the dwellings of their parents are polluted by a want of cleanliness, and they themselves are degraded by the contamination which that want of cleanliness begets. But this matter is not neglected by the Government, and a most useful servant of the public,

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* The following Table, showing the state of parts of London, which it was intended to quote, was accidentally omitted.

The London City Mission Report of two districts just examined; 1842:—

In a small district immediately contiguous to Holborn Hill, found, families	103
Consisting of, persons	391
From six years and upwards, could not read	280
Of these, above twenty years of age	119

In five courts and alleys in the Cow-cross district:—

Heads of families	158
Cannot read	102
Young persons, between seven and twenty-two	106
Cannot read	77

"Can we be surprised," says the report, "at the number of public criminals? Neighbourhoods such as these chiefly supply our gaols with inmates. So late as October last there were in the House of Correction alone, 973 prisoners, exclusive of children, and out of these 717 had no education at all."

Mr. Chadwick, has been employed in framing the outline of a measure on the subject. I have thought it desirable that this measure accompanied by Mr. Chadwick's report, should be referred to a commission about to be appointed by her Majesty; and the whole subject, including regulations necessary for the drainage of large cities, and for the better construction hereafter of the dwellings of the poor, will be referred to that commission. I trust, that some well digested and practical measure will emanate from their labours. I will now pass from these topics to the one which is the immediate subject of debate, or, more correctly speaking, which is immediately before the House. The word debate I used inadvertently, for this is not a question which is to be treated in that tone of discussion which is understood by the term debate. The noble Lord's resolution runs thus:—

> "That an humble address be presented to her Majesty, praying that her Majesty will be graciously pleased to take into her instant and serious consideration the best means of diffusing the benefits and blessings of a moral and religious education among the working classes of her people."

So far from objecting to the address proposed by my noble Friend, I have anticipated it, and it will be my duty on the present occasion, to point out to the House, with their permission, the measures which, on the part of her Majesty's Government, independently of the address of my noble Friend, I am prepared to submit to Parliament for its consideration in reference to this subject. I quite agree with my noble Friend, that in the manufacturing districts of this country, every thought of the human mind, and every effort of the human body, have for a long period been almost entirely absorbed in the endeavour to add to the products of industry, and to accumulate wealth. All the material powers of this nation have been developed and improved in the most remarkable manner —the entire people individually and collectively, appear to have been engrossed with this grand object; and the moral condition of the multitude has, as it seems to me, been most lamentably neglected. It is with peculiar grief and mortification that I say this; but I cannot but bear in mind, that while all the other governments of Europe, warned by the melancholy events which darkened the latter years of the last century—warned by those sad lessons, directed their earnest, their unceasing attention to the moral training and religious education of their people, England alone, Protestant Christian England, neglected this all-important duty of giving her people that training, that education, which so intimately concerns not only their temporal, but their eternal welfare. It may safely be asserted that this most important subject has been neglected in this country to a greater degree than in any other civilised nation. I must say that I think recent events in the manufacturing districts are pregnant with solemn warning. I quite agree with my noble Friend in what he has stated to the House on this topic. The law, it is true, has been triumphant, everything like violence has been subdued; and, in justice to the people of this country, I must add, that though their sufferings, their privations, their disappointments, have been great, yet even in those cases where there has been a breach of the law committed, that breach has not been accompanied by acts of cruelty or of remarkable outrage. The police and the soldiers have done their duty, the time is arrived when moral and religious instructors must go forth to reclaim the people from the errors of their ways. The harvest is abundant, but the labourers are few; it is time that the good work should be begun in earnest; it is time that a better seed, the seed of sound morality and Christian truth should be sown in the hearts of the people; and it must be the care of the nation—of the Government, with a view to the future peace, the future destinies of this country, to take this most serious subject into their anxious consideration. I can truly say that I have directed my thoughts to this question more anxiously than to any other. I know well the difficulties of it, and if I can but induce the House, in the temper which at this moment pervades it, on this one subject, to lay aside all party feelings, all religious differences, to endeavour to find out some neutral ground on which we can build something approaching to a scheme of national education, with a due regard to the just wishes of the established church on the one hand, and studious attention to the honest scruples of the dissenters on the other; in my judgment we shall be conferring a greater benefit on the people whom we represent than by any course of policy which can be adopted; and, for myself, I will say, that all party, all personal considerations will I gladly lay aside could I but hope that I might be made the humble instrument of proposing to the House anything approaching to a scheme which should lead to the happy consummation I desire with the sanction of the Legislature. The subject, I repeat, is a most difficult one, and yet it is one on which I am sure that all feel so deep and combined an interest that I approach it without apprehension. Having thus prefaced what I have to say, I will shortly state to the House what has been done, and what, under the present circumstances, it is proposed to do. The past neglect has been so great, that I do not think it would be possible, dealing frankly with the question, to attempt a remedy for the entire evil at once; I conceive that to attempt too much would be to prevent the hope of effecting any good at all. I shall therefore propose, at present, to deal with two classes of the rising generation in the legislation which I shall bring under the notice of the House in the present Session; but, before I open my views to the House, I think it right to call their attention to what has been done in the course of the last few years. In the first place I will touch upon Scotland, as a country where, upon the whole, from particular circumstances, the advance of education has been the greatest. In that country, directly connected with the established church, there is a parochial system of education. In that country, it is to be observed, it is comparatively easy to found such a system, because, generally speaking, throughout that country, in matters of doctrine, there is no dissent, the dissent there being limited to questions of discipline. One of the greatest improvements of modern times, in reference to education, is that system of education which is known by the name of the Simultaneous System, and which experience has proved to be in the highest degree efficient. In Glasgow a normal school has been established, by an individual whom it is impossible to praise too highly—Mr. Stowe, and there this system of simultaneous education was first tried on any scale worthy of notice. That school, maintained at the cost of a few spirited individuals, fell into difficulties; and this having become known, the committee for education of the Privy Council advanced to it the sum of 4,500*l.*, which relieved it at once from the pressure of incumbrances which would otherwise have overwhelmed it. The committee also granted to the General Assembly of the church of Scotland the sum of 5,000*l.* for a training school in Edinburgh, and a further sum of 5,000*l.* for a training school in Glasgow, and for the maintenance of these two schools, pledged itself to advance annually the sum of 1,000*l.* I believe by this grant of the capital sum of 10,000*l.*, and the annual grant of 1,000*l.*, there will be provided for Scotland a number of schoolmasters trained in the best system of instruction, adequate to the supply of parochial schoolmasters throughout the whole of that country; and my conviction is, that under this arrangement, the education of Scotland will be placed on a complete and most satisfactory foundation. In addition to these grants, the Privy Council has granted to the National Society the sum of 5,000*l.* for the foundation and building of a training school in connection with that society. They have also granted to the British and Foreign School Society an equal sum of 5,000*l.* At Battersea, a training school has been founded by a small number of individuals, who take a great interest in the improved system of education; and this school having very largely contributed to meet the demands for schoolmasters to be sent to the colonies, a further sum of 1,000*l.* was granted to it by the Privy Council. Between the years 1833 and 1839, the Treasury has directly granted 160,000*l.* towards the building of schools, and 793 schools have been built, giving accommodation to 160,000 scholars. Since 1839, the grants of the Privy Council for the same purpose amount to 112,000*l.* and these sums being granted under limitations, which proportion the amount granted by the Privy Council to the amount of one-third subscribed by private persons, it will be seen that the total outlay for these purposes has been 336,000*l.* This, then, is what has been done in past years. It is not, by any means, all that ought to have been done. But it is a proof that the Legislature of this country has felt it necessary to make a beginning—that it is advancing in the right direction, that the education of the people is the care of the State. I now proceed to point out to the House that which I shall beg leave to submit to them in the course of the present Session. I have stated that I think it would not be wise, in the first instance, to attempt too much; it will be better to set out with dealing with that which is more immediately under our control, and which I will call compulsory education, as it exists under the present law. The first schools I shall refer to are those for the pauper children in the workhouses in this country. With the permission of the House, I will state very shortly, as a proof that the attention of the Government need not be urged more pointedly on this particular subject, by the address of the noble Lord, what are the provisions of a bill which I am perfectly ready to lay on the Table of the House for our immediate discussion. As to the pauper children, I have to propose that parishes may be united, for the formation of district schools, within the distance of a given diameter, not to exceed fifteen miles. This will enable district schools to be formed, not only in the metropolis, but in all the large cities to which the noble Lord has referred, where the largest masses of people are congregated, where, unhappily, the poverty is the greatest, and where, consequently, the largest number of pauper children are assembled in the workhouses. I shall propose that the schools shall, in every case, be situated within the diameter I have mentioned, with an exception as to the metropolitan district, where it would be desirable that the schools should be in the suburbs, and here I shall propose that the schools may be erected within ten miles of the suburbs. The children to be educated in these schools will be, first, the infant poor, under sixteen years of age, chargeable to any parish or union within the district. I am now speaking of pauper children; illegitimate children, orphans, children deserted by their parents, the children of persons undergoing any sentence of the law, and children whose parents and guardians may voluntarily consent to their being so educated. I shall propose that in no case shall the poor-rate for the purpose of building these district schools, exceed one-fifth of the average amount of the rate for the last three years. I now approach that which is the real difficulty of the matter, which difficulty proceeds from our own honest differences of opinion on religious subjects. This is the real difficulty; for as to the rest, we agree in this, that a religious education is, after all, the only true and safe one—the great Christian principle we admit, but unfortunately we differ as to the mode in which this Christian principle may be safely imparted. I shall propose, on this point, that there should be a chaplain of the Established Church appointed by the bishop of the diocese, to superintend the religious instruction of such children in these schools as belong to the Established Church. With reference to those children who object to the ritual of the Established Church, or whose parents object for them, I shall propose that any licensed minister of the particular profession of faith of such Dissenters shall be at liberty to visit such children, under certain regulations, for the purpose of instructing them in their spiritual concerns. The rules and regulations for the secular instruction in these schools will be subject to the opinion and approval of the committee of the Privy Council for education, by whom the schoolmasters will be appointed, and an inspector will superintend and watch the whole; and every schoolmaster who shall be declared incompetent or unfit for his duties will be dismissed forthwith. I conceive that, under this arrangement, while, on the one hand, the utmost security is taken that the children of parents who are Members of the Established Church shall be educated in strict conformity with the creed of that church; on the other hand, full security is given on behalf of the Dissenters, that their children shall be brought up in the tenets of their own religious faith, free from all their attempts at proselytism, or from having respective creeds shaken or tampered with. I have thus pointed out to the House that which concerns one large class of children, the children now in the workhouses of the metropolis and of the large manufacturing towns; and I have reason to believe, if such a law as this should be passed in the course of the present Session, that in one of the large manufacturing towns alone, I mean the union of Manchester, schools will forthwith be built capable of accommodating 1,400 children; and similar willingness to meet the great object contemplated by the House, will also, I have reason to believe, be manifested in many of the large manufacturing towns; and thus immediate education of the best kind, on the soundest principles, imparted in the best manner, under masters properly trained in normal schools, will be freely given to many thousands of poor children. If we can give them nothing else, we shall thus, at least, be giving them sound knowledge; we shall bestow on them the means of securing not only temporal but eternal advantages; and we shall thus be discharging the great debt which we owe to that class of our brethren who are suffering the most, and who are most neglected. And let us be assured, that what we do towards the advancement of this great object will be returned us a hundred fold in the future attachment and good conduct of this important branch of the rising generation.

The noble Lord has adverted to the report which has been presented on the state of education in the manufacturing districts. That report describes so accurately the defective state of instruction in these districts, that I hope the House will excuse me for reading one or two passages from it:—

"In the borough of Ashton, with a population of 25,000, there is no National school, no school of the British and Foreign School Society, nor any other public day-school for the children of the working classes. The same is the case in Staleybridge and in Dukinfield, with the slight exception I shall now make;" and "In a report on the state of elementary education in several towns of Lancashire, in 1840 by the Hon. and Rev. Baptist W. Noel, it is stated that Ashton had not one public infant or day-school; and but 1-19th part of the population are found in the dame and commonschools only. A writer in the *Manchester Sunday School Magazine* asserts. That in Ashton, Staleybridge, and Dukinfield, only one child in forty-six attends daily instruction, and yet one in four ought always to be at school. A large proportion of the poor children of these populous places are destitute of efficient moral and religious training."

"Unless the case of this neglected district be taken up by the Government, and a large sum be expended in the establishment and support of schools, it must continue to be, what it is at present in this respect, a reproach to the nation. The working people themselves cannot supply the means. It cannot be reasonably expected that they will be raised by voluntary subscriptions among those who are above the working classes; nor could an adequate sum be assessed in the district with any justice, seeing that the proportion of those in easy circumstances is so small;" and "Setting aside all other considerations, and placing the necessity of adequate means of education being provided on no higher ground than as a question of public policy, it is obvious that something effective ought to be done without loss of time; and in the circumstances of the district, the most advisable thing appears to be, to establish National schools, and those conducted on the system of the British and Foreign School Society; and I have no doubt that excellent local committees could be formed for the management of both. Such institutions for the benefit of their children would be evidence to the humbler classes of friendly dispositions and kind sympathy in those above them; feelings of alienation between the employer and employed would be checked, and the just influence of property and education would be strengthened."

In the report of the last month, on this very district of Ashton, the Inspector said:—

"Taking the population of the Ashton district, within a circle of a mile and-a-half radius from the centre of Ashton, at 55,000 together with the above population of Oldham, and allowing 5,000 for the population of the space between the two districts, we have an area of about eight miles by four, containing a population of 105,000, of which, according to the most correct estimate I have been able to obtain, at least 90,000 earn their subsistence by weekly wages, and in which, at the date of my last quarterly report, there did not exist one public day-school for the children of the humbler ranks, and in which there is not at this moment one medical charity, for in this latter respect Oldham is as destitute as Ashton. There may be equally deplorable cases in other parts of Great Britain. I hope there are not; but in so far as schools are concerned, as education has been so much an object of attention for so long a period in Ireland, it is not probable such a one could be found in that country: and I question very much, whether in any part of the civilised world, out of Great Britain, a parallel case could be met with to that which I have now described. I cannot help wishing, that while vast sums have been of late years sent out of the country to convert the heathen in distant lands, more consideration had been given to the conversion of the heathen in this portion of our own land."

Nothing can be more impressive than this description of one manufacturing district; but I can assure the House, that it is only a specimen of the whole. The evil perhaps may not exist to the same extent in other parts, but the description in its general outline, is applicable to all the manufacturing districts. Parliament has dealt with the subject of education as regards factory children, but in so imperfect and unsatisfactory a manner, as almost to render nugatory the measures which have been adopted. The Legislature has imposed upon manufacturers the necessity of giving the children in their employment some education, but it has omitted to make any provision with regard to the quality or the degree of that education. This brings me to the second branch of the subject, to which I invite the attention of the House. No children under eight years of age are allowed to work in a factory; children between the ages of eight and thirteen may work in factories for eight hours a-day; but it is a condition of their so working, that they shall attend school for at least two hours each day. It must have been owing to negligence, for I cannot believe it to have been the intention of the Legislature, that no proper regulations were framed for the purpose of carrying into effect the proposed object of the act. Be that as it may, I will state what is the practical working of the act as it stands. A Roman Catholic master of a factory may have attached to his factory a school, with a Roman Catholic for schoolmaster, and may impose it as a condition on the children of Protestant parents, that to obtain work in his factory, they shall attend his school where the Roman Catholic version of the Scriptures is taught, and where they shall be trained in the Roman Catholic religion. I mention this as a proof of the little care and attention which has been bestowed upon the details of the enactment for the compulsory education of factory children. I do not think it right that the quality of the education should be thus neglected. I, therefore, purpose to deal with the quality of the education as well as other essential particulars. It appears to me that if children of this tender age, after being worked eight hours a-day, are sent to school, worn out with toil, without the opportunity of obtaining refreshment and relaxation, it is unlikely they will derive much benefit from any system of education, even the best, which may be administered to them. It is my intention to propose that children between the ages of eight and thirteen, employed in factories, shall not work more than six hours and a half in any one day; that if they work in the forenoon they shall not work in the afternoon, or if they work in the afternoon, they shall not work in the forenoon; but that day by day, either in the forenoon or the afternoon, they shall attend school for at least three hours. I have no reason to believe that the master manufacturers will be opposed to any such regulation. It certainly will be necessary for them, under such an arrangement, to have two sets of children to carry on their work; but I am satisfied that the humane feelings of the manufacturers, and the earnest desire, which I have every reason to believe they entertain to co-operate cordially with Parliament in improving the education of the rising youth of this nation, will induce them to acquiesce cheerfully in any measures which are necessary for effecting this paramount object. Having obtained three hours in each working day for the education of the children, the question next arises—how shall we provide for them a better education than they can obtain at present? Under the law, as it now stands, no master manufacturer can employ a child between the ages specified, unless the child can produce a certificate of its attending a school. I propose that, in every district, with respect to factory schools, certificates shall be granted, as at present, by any school in connexion with the National Society, or the British and Foreign School Society, and by any Roman Catholic school, on condition, however, that such school be open to the visits of the inspector appointed by the Privy Council on education; the inspector, of course, not being at liberty to interfere with the scheme of religious instruction given to Roman Catholic children; but taking care that no children of Protestant parents are educated in the tenets of the Roman Catholics. Thus, then, I provide for certificates being granted by schools in connexion with the National Society, and by the British and Foreign School Society, and also by Roman Catholic schools under the inspection I have stated. But the House will observe, that as might have been anticipated, the greatest want of education exists in the poorest districts. Now, the principle hitherto enforced by the Committee of Education in distributing the sum annually placed at their disposal by Parliament, has been to make no advance of money for the building of a school, unless two-thirds of the whole sum required for that purpose should previously have been raised by private subscription. In some cases, I believe, the rule has been relaxed, and grants have been made when half the whole sum required has been raised by subscription; but, beyond that, the Committee on Education have in no instance gone. I think it is most desirable to call forth local exertions for founding and maintaining schools, and that, it would be far from advantageous to throw the whole burden upon the public purse. It, therefore, appears to me indisputably necessary to adhere to the principle of making advances from the public fund only in proportion to some given amount raised by private subscription; but, at the same time, I am bound to declare, that as regards the poorer districts, some relaxation of the existing rule of proportion is imperatively called for. I propose, therefore, that in any districts where the regulations with respect to the education of factory children shall be in force, and in which local subscriptions, aided by public grants, may be inadequate to the erection of schools, the inhabitants shall be enabled to procure a loan, to the extent of one-third of the cost of the building, on the following conditions:—First, that one-third of the cost of the school-house shall be raised on the principle of local efforts; secondly, that a memorial shall be presented by certain of the inhabitants to the Committee of Council, praying for a grant of one-third of the expense of the building from the public fund, and for the loan of one-third. The Committee of Council will make inquiry as to the representation contained in the memorial, and refer the memorial and statement to the justices of the division, who will examine into the facts, and declare whether a school is necessary. If the justices declare a school-building necessary, the Committee of Council will make a grant of one-third of the cost of the building, and may empower commissioners to issue Exchequer-bills for one-third of the amount, repayment of which is to be obtained out of the poor-rates in a period of ten years. That is the mode in which I provide for the erection of the school. Then comes a matter of equal importance; namely, the support of the school. I propose to deal with it in this way:—I shall propose that trustees shall be appointed, who shall make quarterly examinations into the accounts and into the education given in the school. I shall have it provided, that out of the wages of the child shall be kept back by his master for his education a sum never exceeding 3*d.* per week, or more than a twelfth of the child's earnings. This will be in the nature of quarter pence paid by the child, and will provide a certain fund. The committee of council will enable the trustees to procure from the poor-rate of their district a sufficiency for the maintenance of the school, provided that the cost of maintenance shall in no case exceed 3*d.* in the pound on the existing poor-rate. This I anticipate will provide an ample fund. Then comes a matter of great importance, which is the formation of districts for these schools, and these must be varied in reference to the different localities. I propose that these districts shall be formed in one of four ways—either of one entire parish or township, or of an ecclesiastical district, or of two or more parishes or townships, or of two or more ecclesiastical districts or parts of them. I propose to give the formation of these districts to the Committee of Council on Education. Then comes the question, "How are these district schools to be managed?" I propose that they shall be managed by trusts; and the composition of these trusts I will now state to the House. I propose that the trust shall contain seven individuals, and that an officiating clergyman of the district shall be one; if the district contains only one officiating clergyman, then such clergyman shall be a trustee *ex officio.* If the district contain more than one clergyman, or where the school shall be intended for two or more, or parts of two or more ecclesiastical, districts, I then propose to give the bishop of the diocese the power of selecting a clergyman to be such trustee. I propose that two of the churchwardens for the year shall be chosen by the clerical trustee, and added as trustees. I then propose a property qualification for all who are not thus *ex officio* trustees, and that the remaining four shall be appointed by the magistrates in a special session assembled for that purpose out of persons assessed to the poor-rate at a certain rate; and I further propose that two out of the four chosen trustees shall be mill-owners. I am unwilling to weary the House by entering into details, but considering the importance of the motion of my noble Friend, I am anxious to explain the views which the Government now seek to carry into effect with respect to this subject. I have provided in the manner pointed out for the erection and maintenance of schools, for the districts in which they are to be established, and for the trusts by which they are to be managed; and, now, I will state shortly the plan for the government of the schools. The general management of the schools will be under the control of the trustees; they will have the power of appointing the master, subject to the approval of the bishop of the diocese as to his competency to give religious instruction to members of the Established Church. The Holy Scriptures are to be taught daily, but no child will be required to receive instruction in the Catechism of the Church of England or to attend the Established Church whose parents object on religious grounds. The children of parents belonging to the Church of England are to be instructed in the Catechism and Liturgy of the Church of England separate from the other children, and that daily. The schools are to be inspected by the clerical trustees. This being a most important branch of the subject I will take the liberty of reading to the House two clauses of the bill I am about to introduce on this point—

> "And be it enacted, that every master of a school to be provided for the education of children as aforesaid, shall be required to teach the Holy Scriptures, in the version appointed by law to be used in churches, to such scholars

as shall be of proper age to learn the same, and shall teach from no other book of religion whatever (except as hereinafter provided); but nothing herein contained shall prevent the use of any part of the Liturgy of the Church of England in divine worship in the said school by the clerical trustee, or by any person whom he may appoint, on Sunday, or on Christmas-day, and Good Friday, or any of the usual fasts and festivals of the Church which may be school holydays, provided that no scholar shall be required to attend at such divine worship whose parent, guardian, or other person, having the legal custody of him, shall object to such attendance."

"And be it enacted, that the Catechism of the Church of England, as by law established, together with such portions of the Liturgy thereof as such clerical trustee may appoint, shall be taught at such periods, not exceeding one hour at the same day for each scholar, and at such times as the clerical trustee may select. Provided, however, that if such scholars be not instructed in a room apart from the scholars whose parents desire that they should not be present at such instruction, the whole period to be appropriated to such religious instruction shall not exceed one hour during the morning school, and one hour during the afternoon school, on days in each week: and such clerical trustee may direct the said master to teach such Catechism and portions of the Liturgy as aforesaid, at such times and during such periods, not exceeding three hours in the whole, as the said trustee may appoint, on every Sunday; and during all such periods as aforesaid the said master shall give such other religious instruction to the said scholars as such clerical trustee shall direct, the mode in which such religious instruction shall be given being determined, and, the selection of the books for that purpose being made, by the clerical trustee alone; and it shall be lawful for such clerical trustee, or for such other person as he may appoint, at such periods, to instruct, catechise and examine such children as he may deem advisable, except as hereinafter provided in the principles of their religion."

Then, as to the children of Dissenters, if the parents desire it, they need not be present at the periods at which the Church catechism or any portion of the Liturgy is taught. The clause bearing upon this point is the following:—

"And be it enacted, that if any parent shall notify to the master or trustees, that he desires that such scholar, on the ground of religious objection, may not be present at the periods when such catechism or portions of the Liturgy are taught as aforesaid, it shall not be lawful for any person to compel such child to be present at such periods, nor to punish or otherwise molest such child for not being present; and it shall not be lawful for the trustees or master of the said school, or any other person to give or permit to be given in the said school any religious instruction to such scholar except the reading of the Holy Scriptures, as hereinbefore appointed. Provided that such child shall at such periods be instructed in some other branch of knowledge taught in the school."

The House will perceive that I provide only, that in all schools the authorised version of the Scriptures shall be read; no special religious instruction will be given to the children of Dissenters if their parents object. The constitution of the trust, in itself, is a sufficient security that no undue influence in religious matters will be resorted to, but, beyond that, the trustees will be subject to the control of the inspectors of the committee of the Privy Council. I have dealt specially with the case of Roman Catholic children. They may have schools of their own, and those schools will have the power of granting certificates. I have endeavoured to produce security to the churchman by giving the bishop of the diocese a *veto* in the appointment of the schoolmaster, if he be not satisfied of his competency to give instruction in the catechism and the doctrines of the Established Church. There is likewise for the churchman the additional security of a clergyman of the Established Church being a trustee, *ex officio*, and of provision being made for the religious instruction of children of members of the Establishment in the manner prescribed in the clauses which I have read. As regards Dissenters I have followed the general outline of Lord Brougham's bill, introduced in 1820, and in some instances I have almost adopted his words, and I have reason to believe, that on the whole, Dissenters will be satisfied when they see that we have provided their children with instruction by the best masters, who will be subject to constant inspection—that they are only required to read the authorized version of the Scriptures, and that all attempts at proselytism are prevented by the strongest guards. I do not consider it necessary to go further on the present occasion. Perhaps, I have stated enough to satisfy the House that this important subject has been a matter of anxious and daily thought to the Government. I have endeavoured, as far as possible, to meet conflicting objections from opposite quarters; I know not whether I have succeeded in effecting that object, but, at all events, it will be my duty to submit to the House, with the least possible delay, the result of the deliberations of the Government on this subject. Two bills are already prepared, and shall be laid on the Table after the shortest notice. If her Majesty's Government should succeed in prevailing upon the House to adopt these measures, we shall have the satisfaction of knowing that we have, in the course of a single Session, made a greater advance towards giving a sound education to the great mass of the community than has been made in the accumulated Sessions of past centuries. It is my firm conviction, that as regards policy, as regards true wisdom, as regards the comfort, happiness, and well-being of the rising generation, it would be impossible to adopt a measure more salutary in its tendencies or more important in its results than that of which I have described the outline. I trust we shall overcome the difficulties which have hitherto defeated any attempt to deal with this question. I hope that no word has fallen from me which can have given offence to any one. It has been my earnest desire to frame the regulations to which I have referred on the fairest principles, and by no means in a sectarian spirit, and if there should, happily, exist a disposition on the other side of the House to adopt them, I have the strongest reason to believe that from my hon. Friends on this side of the House, and in the highest quarters, not only no obstruction can be anticipated, but that cordial co-operation will be given to the Government in an honest attempt to settle this most irritating, but vital question.

Lord *John Russell* thought the House would express without any hesitation its satisfaction at the motion which his noble Friend had brought before the House. He heartily wished he could say, that the statements made by his noble Friend had less truth in them than he believed they had. He wished that the melancholy statements of the noble Lord were a fiction, or that the noble Lord had only brought them forward to show how dark were the shades in some parts of a bright picture; but he was afraid that they were not selected with such a view, that they were only specimens of the general condition of the people, and not fictions which examination would disprove. The two reports of the commissioners referred to by his noble Friend, the reports of the inspection of gaols, collieries, and mines, the numerous statistical records which his noble Friend had quoted, to which he would not refer, all showed that the same kind of facts which his noble Friend mentioned were general, and they proved that the most melancholy ignorance and the most deplorable vice prevailed in the manufacturing districts. On the present occasion he had no wish to enter into party or religious considerations which were at all likely to disturb the general harmony, and therefore he had listened with much pleasure to the plan, and to the general description of the right hon. Gentleman. He was glad to learn that the Government had applied itself to devise plans for the improvement of the education of the people. With respect to that plan he wished to say, as well as with respect to the motion of the noble Lord as to the intentions of the right hon. Gentleman, that they both seemed confined to the promotion of education amongst the manufacturing classes. The motion of his noble Friend was a very general one—

> "That her Majesty will be graciously pleased to take into her instant and serious consideration the best means of diffusing the benefits and blessings of a moral and religious education among the working classes of her people."

It was his belief that, in addition to those evils which had been recited to the House by his noble Friend—if he had gone into details with respect to the state of the agricultural portions of the country—his noble Friend would have found, as regards many of them at least, a lamentable state of destitution—that parents are wholly unable, in many parts of the country, to send their children to school at all—that they are incapable of paying the small pittance necessary for that important purpose—and that the rising generation in the rural districts is growing up in as great ignorance as in some of those localities to which his noble Friend's speech more particularly referred. The right hon. Gentleman had referred to the grants which had been made by votes of that House to promote education, which were first suggested by Lord Brougham, afterwards adopted by Lord Althorp, and carried out by his successors. At the ssme time the sums which had been granted to the committee of Privy Council for the promotion of education, were exceedingly small, and indeed very insignificant, when compared to the large sums which were voted for other important services. The sums of 20,000*l*., 30,000*l*., and 40,000*l*., which had been voted for education, were trifling compared to the large vote by the House for the essential purposes of national defence or national security. In comparison to them the grants for education sunk into absolute nothingness. The right hon. Gentleman's scheme for the education of the pauper children in district schools seemed to be very like the plan that was introduced into the poor-law bill which was brought into Parliament two years ago. There was some difference as to the regulations, but so far as they went to establish schools for the children of paupers in workhouses, and not for the children of those who received out-door relief, they were alike. With respect to the schools for children in factories, the proposed regulations were not so detailed that he, having no other knowledge of them than he had gathered from the speech of the right hon. Gentleman, could be prepared to give any opinion as to whether those details were founded on the best practical system. It was proposed, he saw with satisfaction, to place those schools under the inspection of the Government inspectors, as appointed by the Privy Council. With respect to what the right hon. Gentleman truly said, as to this not being a party question, nor calculated to excite strong feelings between churchmen and dissenters, without considering very closely the regulations proposed, he should say that the plan ought not to be and could not be opposed by those who had seriously at heart the business of educating the people. The balance on either side was so inconsiderable that he would not for his own part permit that to weigh against the importance of the whole. If it could be shown that not one child of a dissenter need be excluded from these schools by the strictness of the rules imposed upon them—that there was no occasion for any parents to be alarmed for the religion of their children—then he should say that it would be far better to accept the regulations and not caval at the parts of a scheme which they could not object to as a whole. He would further say, that he was now only acting in conformity with a declaration of his made at a former period, when he proposed another scheme to which the Government wished to give effect. When it was objected to such schemes that they had a tendency to make the children at the schools indifferent as to the authorised version of the Holy Scriptures, as taught by the church, or to make them Unitarians, or Infidels, he pointed out at all times that he considered those fears about the increase of dissent, the errors of Unitarianism, and the spread of Roman Catholic doctrines, as so many grains of sand in comparison with the importance of disseminating a moral and religious education among the people. He would in illustration of this view, just read a few passages from the report of the Inspector of Mines and Collieries in the West Riding of Yorkshire, a sort of second metropolitan district of a county eminent for its zeal in sending the Bible to heathen lands, and missionaries to China, Bombay, Hindoostan, Otaheite, and other benighted countries where the people had never heard of the blessings of the gospel—a country eminent for the plentifulness of the Scriptures, where not only religious toleration prevailed, but where there was nothing to excite reproach in regard to religious persecutions. The noble Lord read, from the second report of the commissioners for inquiry into the employment of children, the following extract:—

"Of the state of ignorance of the colliery children in the West Riding of Yorkshire, Mr. Symons gives, among many others, the following examples:—'Three girls (all employed in the pits), of the ages of sixteen, fifteen, and eleven, were examined, not one of whom could read easy words without constant spelling, and two of whom knew their letters imperfectly. I found two of these girls perfectly ignorant. They had no knowledge even of the existence of a Saviour, and assured both the curate and myself that they had not heard about Christ at all.'"

A girl eighteen years old:—

"I never learnt nought. I never go to church or chapel. I have never heard that a good man came into the world, who was God's Son, to save sinners. I never heard of Christ at all. Nobody has ever told me about him, nor have my father and mother taught me to pray. I know no prayer; I never pray. I have been taught nothing about such things. The Lord sent Adam and Eve on earth to save sinners. I don't know who made the world; I never heard about God. Jesus Christ was a shepherd; he came a hundred years ago to receive sin. I don't know who the Apostles were. Jesus Christ was born in heaven, but I don't know what happened to him; he came on earth to commit sin; yes, to commit sin. Scotland is a country, but I don't know where it is. I never heard of France. I don't know who Jesus Christ was; I never saw him, but I've seen Foster, who prays about him. I have been three years at a Sunday-school. I don't know who the Apostles were. Jesus Christ died for his son to be saved."

Similar are the answers given by the colliery children examined in the neighbourhood of Halifax :—

> 'I don't know who God is. I have heard of God and Jesus Christ, but I cannot tell who that was. If I died a good girl I should go to heaven, &c. They told me that at the school yesterday. I did not know it before.' 'I don't know if he (the man for whom he hurried, who was his uncle) is related to me; I don't know what you mean by uncle or cousin. I never went to day-school or Sunday-school, I cannot read or write. I never heard of Jesus Christ. I don't know what you mean by God. I never heard of Adam, or know what you mean by Scriptures. I have heard of a bible, but don't know what 'tis all about. I do not know what would become of me hereafter if I am wicked; I have never been told. If I tell a falsehood or lie, I tell a lie; it may be good or bad, but I don't know the difference.'"

Such, the noble Lord continued, was the total ignorance of these people, which the right hon. Gentleman proposed a plan to remedy. The right hon. Gentleman said he had framed his plan with a view to meet the scruples of dissenters, while at the same time the regulations for the children of churchmen were framed with the object of meeting the views of that party. When such were the objects of the right hon. Gentleman, if they found his plan at all answer those ends, while such as had been described was the ignorance of the children, if that plan would admit one child to the benefits of education, or at length put an end to that condition which was a reproach to the country, it would not only be folly, it would be wickedness to oppose it. Therefore his conviction was, that with respect to any plan to be proposed by the right hon. Gentleman, that the objections would be not to the principles he had announced, but that the scheme fell short of the objects and views of his noble Friend the Member for Dorsetshire. As regarded the plans for the education of pauper children and factory children, there was one point, though he did not wish to raise difficulties, necessary to advert to. It was this—that owing to the immigration of Irish labourers, there were a great many Roman Catholic children in the manufacturing districts, and we ought to endeavour by every means to give those children as good an education as possible. It might not be possible to educate them with the others, but they ought, if possible, to receive the same advantages. There were, as his noble Friend truly stated, many difficulties in the question of education, and they could only be dealt with by an executive government receiving general support. There was a great fear on the part of many members of the church that it was intended to sap and undermine the foundations of the church; and, on the other hand, a great fear on the part of Protestant dissenters that it was intended to entrench upon religious liberty, and give the church exclusive dominion, and difficulties of this kind he (Lord J. Russell) thought could only be overcome by an executive government, supported without distinction of party. There was another point, the most important of all, connected with education, respecting which something had been done by the late Government, in giving grants to the National Society, the British and Foreign School Society, and the educational establishment of Glasgow. He meant a provision for securing a supply of properly qualified teachers, and he did not think enough had been done for this purpose, because, if they came to examine into particulars—if they looked into those statistical details by which one is so often deceived—if, on hearing of 500,000, or 900,000, or 1,500,000 children receiving education, they asked particularly from any one who had examined the children, they would often find that those who had learned to repeat certain words by rote, so far from having really instilled into them any religious or moral principle, or any real intellectual knowledge, were, in fact, entirely destitute of such acquirements, and attached no ideas at all to the words they had learned to repeat. He might adduce on this point the opinions, amongst others, of a very excellent and intelligent man with whom the right hon. Gentleman had no doubt become acquainted—namely, the chaplain of the prison for young offenders at Parkhurst. That gentleman had found, that of those young offenders, many had been at National Schools, at British and Foreign Schools, and at Dissenters' schools, but yet were really without knowledge of scripture, and still more completely destitute of the knowledge of those principles which should be learned from the scriptures. Why was this? The real fault was in the school-master. All those who were concerned in education, or had paid much attention to it, said, "If you tell me the character of the schoolmaster, I shall know the character of the school." This was the fact. If there was a good schoolmaster — one who understood what education was—who was familiar with the minds of young people — who would look after every child he had to teach, and, in short, whose heart was in his work—such a man would be really successful, and his pupils would go forth with minds really instructed and improved. But a schoolmaster who only knew his business by rote—who was acquainted with mere forms—who could simply hear children read, and see that certain sums in arithmetic were got through in some way or other—would communicate to children only the appearance of education, and no real good would be obtained from his instructions. Therefore, he said, it was of the utmost importance to have good establishments for the training of schoolmasters. It was not only desirable to have good establishments for that purpose, but most desirable, also, that means should be taken for securing the future welfare and respectability of young men going out to take charge of schools. The British and Foreign Central School, in the Borough-road, had brought up many young men who had shown considerable talent; but many of those who had shown much talent, found the occupation of a schoolmaster so thriftless and undesirable, and found other pursuits so much more advantageous, that they left teaching, in order to obtain a higher reward for the exercise of their talents in other occupations. It might not be in the power of the State to educate the whole people of the country, but with respect to those who were to be the schoolmasters of the people, it might do much to elevate them in character, to give them some degree of honour and reputation, and to make provision that they should not, in their old age, be left entirely destitute. There was another point of great difficulty, with respect to which he had hardly anything to suggest, but which, as the Government were disposed to pay attention to the subject, they ought to consider, with a view to finding some way of obviating the difficulties. The difficulty was with respect to parents sending their children to school. One cause, perhaps, was the want of efficient schoolmasters. If parents found that their children were little improved at school, and spent much time there, during which they might have been earning wages, they were very likely to take them away. His noble Friend, in examining this subject, must have been very much struck with the unwillingness of parents to allow their children to go to school. Both in country districts and agricultural districts, where parents found themselves ill off, and wages low, they were apt to send their children to work instead of to school, in order to eke out the means of earning a livelihood. It appeared, also, from the blue book on the Table, and many others of the same kind, that children nine or ten years old, or of a much younger age, could earn very considerable wages, and this was, of course, a powerful temptation to withdraw children from school, especially when the education given at school, was of a very inferior kind. We could not attempt in this country any plan of compulsory education—no good would be attained by any of those plans for forcing education, which were adopted in some countries on the continent. But it was certainly an object for consideration, whether some means could not be found to make the reward of sending children to school, as attractive as that of going out to labour. He did not think the difficulties in the way insuperable. He thought you might hold out certain advantages which would induce the working people to send their children to school. Another important subject was the provision of better means of education for the class immediately above the working class. At present this class, both in towns and the country, were apt to look with some jealousy on the possibility of the children of the labouring classes getting better education than their own. This was a subject on which more might be done by unions of country gentlemen in the country, and of master manufacturers in town, establishing or encouraging schools of a superior character, in which some of the most useful arts of life might be taught in conjunction with scriptural instruction. If they could improve the education of the classes immediately above the working classes, they would do much towards the improvement of the working classes themselves. A generation growing up with better education, would take a greater interest in its working, and would not allow that entire absorption of the time of children in harassing and almost degrading occupations, which now took place. He repeated, that he was glad to hear the plan of the right hon. Gentleman, so far as he proposed to go. He trusted the Government would consider the question still further, and that such larger and more matured measures would be brought forward as would enable Parliament hereafter to say, that they had improved the religious and moral, as well as the physical condition of the people.

Viscount *Sandon* had taken a deep interest in the discussion. He thought there were indications of feelings, on both sides of the House, which would tend to remove this great question from the field of political and theological discussion, to a position in which it might be satisfactorily settled. He hoped the plan proposed would remove apprehension on all sides, since, without doing violence to the principles of one class, it insured the offer of education in the tenets of the established Church, all who would take it. It was impossible for him to give an opinion on the details of this plan on hearing them for the first time, but so far as he could judge at the moment, it appeared to him that there was nothing in them to which a member of the Church of England had any right to object. He agreed heartily in the observation of the noble Lord who spoke last, that when a fearful mass of ignorance existed in the country among our very mixed population, it did not behove men on either side of the House to stick too closely to their peculiar opinions. They were about to embark in a new and a great undertaking. They ought not to take any step without caution; and his right hon. Friend, therefore, had acted wisely in seizing upon those two great branches of education which would point out the line which should be taken with a view to the adoption of a general system of national education. With respect to the formation of union or district schools, he was inclined to think that such schools would be too large, and that it would be better, in the first instance at least, to confine the schools to those children whom they were bound to educate, and for whom it would ultimately be incumbent on the unions to provide. The plan propounded by his right hon. Friend would seem to leave no ground for jealousy on the part of either churchmen or dissenters; but in the case of Roman Catholic children there was some difficulty to be overcome. The number of Roman Catholic children was not however very great; they did not, he believed, exceed a quarter of a million, and he had no doubt that for their moral and religious education, the wealthier and charitable portion of their own communion would amply provide. He trusted that on this subject the House would be unanimous, and that they would at length be able to remove that growing canker on the vitals of the country, the evil effects of which could not be too early arrested. The reports on the subject proved beyond all question that the want of proper instruction was severely felt by the poorer classes of the community, and his belief was, that the Government plan was not only a sound but a safe one, with a view to even a more extended system of national education. He agreed with the noble Lord the Member for London, that the radical difficulty was to get good teachers in schools, and to keep them there. A good schoolmaster might earn more in any other employment. A good teacher might get, perhaps 70*l.* or 80*l.* a year; but a man qualified to earn such a salary as a teacher, might earn much more as a merchant's clerk, or in some one of the numerous employments which were well rewarded. He would be very glad if the position of the teacher could be so improved as to present advantages in some degree proportionate to those of other employments; but there were very great difficulties in the way of such a consummation. He was glad this important subject had received the attention of Government, and he hoped the plan to be adopted would be productive of unmixed good.

Mr. *Ewart* was led to hope that the measure proposed by the right hon. Baronet the Secretary for the Home Department would lead to the happiest results. It could not be doubted, from the reports which had been laid before the House, that great ignorance prevailed among the lower classes in this country, and this, too, although there were ample funds, which if devoted to the purposes of education, would go far in removing it. This was established by the reports of the charity commissioners. He agreed that it was most important to elevate the character and condition of the schoolmasters, and of that fact all who had read the letter of M. Guizot to the schoolmasters of France must be convinced. He thought it desirable that all parties should combine and suppress their discords, for the purpose of effecting by one common effort the great reformation of which the plan about to be adopted by the Government was the commencement, and he could only say that if that plan succeeded, no greater blessing could be conferred on the country at large. He viewed a system of general education as being likely to be attended with the very best moral results; for he was of the opinion that whatever social advantages might be for the time produced, the education of the human mind must, under any circumstances, eventually lead to the dissemination of the blessed truths of religion. He believed that there was no hon. Gentleman on either side of the House, but would most cordially concur in the motion of the noble Lord, and in the measure of the right hon. Baronet.

Sir *C. Burrell* said, that in the agricultural districts of the south of England the clergy were making the most strenuous exertions for the education of the children of the poor, and in their efforts the clergy were greatly assisted by the gentry, their wives, and daughters, as well as by the wives and daughters of the yeomen. This was he knew the case in his own part of the country, and he should be ungrateful if he had not mentioned it to the House. There was but one opinion as to the utility of imparting useful knowledge to the poor, and he sincerely hoped that from the present proposal on the part of the Government the children of the humbler classes would obtain good moral and religious instruction.

Mr. *Shaw* expressed his deep regret that in the speech of the noble Lord the Member for Dorsetshire, and in that of the right hon. Baronet the Secretary of State for the Home Department, no allusion had been made to the present condition of Ireland. He was sure that as regarded that country, the deepest regret would universally prevail at this apparent neglect of the right hon. Baronet. He did not wish to introduce into this debate any discussion upon the particular question to which he had referred; but he could not help expressing his anxious desire that the principles which had been enunciated by the right hon. Baronet, with respect to England, would be eventually extended to Ireland, and he alluded, in making this remark, more particularly to that part of the right hon. Baronet's speech where he conceded that where there was an established religion, the maintenance of that religion should be the chief object of the education which was conferred. He had thought it right to make these observations, and he hoped that in doing so he had introduced no new topic of angry discussion. The present time, perhaps, was the fitting period to discuss this question; but he hoped that when the proper time came the application of the principle which had been advanced could not be denied.

Mr. *C. Buller* begged to congratulate the hon. Baronet, the Member for Shoreham (Sir C. Burrell), at the improved condition of the poorer classes of the southern districts. The time had not long passed when, he must say, that the most lamentable ignorance had been displayed in those districts, and he alluded more especially to the transactions which occurred in the county of Kent. He begged to express his entire concurrence in the views of the right hon. Baronet, the Secretary of the Home Department; but he felt some difficulty in understanding what was the exact extent of the proposition of the right hon. Baronet, whether it extended to towns only, or to country districts. [Sir *James Graham:* To towns only.] Though the present application of the plan extended to towns only, he thought that it was obvious that the principle must eventually be extended to the rural districts of the country—that this was but the first step towards the developement of a large and general plan of education. He thought that they must now accept with thankfulness the plan which had been offered by the right hon. Baronet, and that they would do well in leaving to the Government the time for carrying out that plan to a more extended field. His present object in addressing the House was particularly to call the attention of the Government to an important practical point to which the hon. Member for Dumfries had alluded, he meant the enormous amount of money at present applicable to the purposes of charity in the country, a large portion of which might be made applicable to promote the education of the people. When he had heard the proposition made that there should be an addition to the amount of the existing rates, for the purpose of carrying out the proposed system, he had felt convinced that to that part of the scheme there would be some opposition offered, an opposition from which the Government ought not to shrink, and which every man would aid the Government in removing. And it was with this view that he alluded to the large amount of money now available for charitable purposes in this country. Three or four years ago, the charity commissioners had presented to that House a report of unusual length upon this subject. As it had taken seventy gentlemen two years to prepare those reports it would probably take an individual 140 years to read them through. From an analysis, however, that had recently been made it appeared that the charity property of this country produced 1,200,000*l.* a year, and if that property were properly managed he had no doubt it would realise 2,000,000*l.* Of this 1,200,000*l.* the amount employed for the purpose of education was 312,000*l.* No less than 151,000*l.* were devoted to schools in which the classics were taught, and 141,000*l.* to schools in which no classical instruction was given, while the remaining 19,000*l.* was expended on schools of an elementary character. These schools were scattered all over the country, and contributed little to general education, and what he desired was, that the larger fund which might be obtained from this source should be applied in providing proper moral and religious instruction for the mass of the people. It was to be remembered that from this calculation the universities were excluded, and he was satisfied, if the House inquired into the subject, it would be announced that much of the residue might be well applied towards the general purposes of education. In making this observation, he alluded more particularly to the distribution of small sums in the way of charitable donations, putting out of the question gifts of clothes and medical relief, and everything in the nature of specific charities; but there were large sums doled out in the shape of small money gifts to the poor of the country, which were really of very small essential benefit—if, indeed, they did not produce positive harm. If one could describe these gifts by any short term, and if any one adjective would describe them more forcibly than another, he thought that they might well be described as being gifts of a "mischievous" character. They were not merely useless, they were extremely mischievous—more mischievous than could well be described. He would mention a case: in St. Luke's he found that there was a custom of distributing gifts of this sort, in what was called 1*s.* 6*d.* tickets, which were given away just before Christmas. The sum of 200*l.* was given away in this manner according to a report made in 1828. The effect of these gifts was, not to produce any beneficial effects, for the money was almost universally spent in drinking—so much so, that on the days of distribution, the gin-shop keepers in the neighbourhood were compelled to hire extra hands to serve the additional customers who came to them. Therefore it was that he was of opinion that these gifts were mischievous rather than advantageous. Now, what was the total amount of money frittered away in this manner, per annum? It was 170,000*l.*—a sum which, if properly applied, would do much towards establishing a good and proper plan of education for the people. He thought that it would be improper had he suffered the subject before the House to pass without the observations upon a topic so nearly connected with it, which he had made, and he trusted that the subject of the hints he had thrown out would not be over-looked by Government, in any future consideration which they might think it necessary to bestow upon the matter in question.

Sir *R. H. Inglis* said, that although he had the misfortune to miss the greater part of the speech of the right hon. Baronet the Secretary for the Home Department, yet that naturally and almost necessarily he felt such an interest in the subject before the House, that he trusted for the indulgence of the House while he stated his view—no, he could not say his general view, upon the plan proposed by Government; but while he intimated his dissent from much of the little which he had heard. He should be sorry to disturb, by any remarks of his, the general unanimity which had prevailed during the discussion, but there was something of more value and importance than even unanimity—there was truth—and he could not sacrifice his convictions of the one for the sake of the other. His right hon. Friend, at the conclusion of his speech, had stated that all attempts to proselytise would be, by the Government plan, rigidly guarded against. Now, to proselytise, as he understood the word, was to endeavour, as a Christian, to bring his neighbour to those views which he sincerely believed to be founded on truth; and he could not support any system of national and extended education—he could not conceive that any such system was entitled to commendation, which, in the very first instance, would guard against the promotion of truth, and keep individuals from inculcating that which they sincerely believed to be the truth. In reference to observations which had fallen from the hon. Gentleman who had just sat down, he would beg to guard himself from any imputation that he favoured the opinions advocated by that hon. Gentleman. He, for one, could be no party to diverting from the purpose of their original testators any portion of funds left by them to be distributed in the shape of education in village schools or doles of village bread. [Mr. *Buller* only spoke of doles of money.] He understood the hon. Member to have referred to doles of clothes. [Mr. *Buller:* No, no; neither clothing nor medical relief.] He thought that 172,000*l.* was the sum according to the synopsis used by the hon. Member, which appeared to be collected throughout England for the distribution of charity in the three forms of clothing, money, and food. Now, he did not concur with the hon. Gentleman in what he had said with respect to the diversion of charity left to be applied in forms other than that of distribution in money doles; but with respect even to money, he thought that before meddling with the subject, persons should attempt to place themselves as nearly as possible in the physical condition—a difficult task for Members of that House—of those who really stood in need of an eighteen penny distribution. They should try to do this before they could be able properly to judge of the true value to such persons of such donations—donations which they received by the will of the testator, just as Members of that House received their rich inheritances. Unless the application of the charity was productive of effects clearly immoral, the House, he conceived, should not legislate upon the subject. Let them first prove the immorality, before they stepped in to divert the funds from the use the testator intended that they should be applied to. Guarding himself from being held bound to the adoption of those principles which the Government had given their sanction to, he would conclude by expressing his regret that the discussion upon so important a subject as education should have been brought forward at a time when nine-tenths of the Members of the House, and himself among the number, had certainly not expected that any such subject would have been introduced.

Sir *George Grey* expressed his satisfaction that the subject before the House had been taken up by the Government, and that a plan had been proposed which he could cordially support. He sincerely agreed with the noble Lord the Member for Liverpool, that this great subject should be withdrawn from the circle of party warfare—that they should all of them co-operate cordially in discharging that which had been so well proved by the documents upon the Table to be an imperative duty, and in attempting to abate an evil which was destroying the morality of the country. He might add the expression of his satisfaction at the spirit in which the subject had been taken up by the Government. He was sure that for his own part he could promise them his cordial assistance in carrying out any measures constructed on liberal and comprehensive, but not latitudinarian principles, for the improvement of the condition of the people of this country. The evidence laid on the Table of the House he had read so far as time had permitted, and though it contained nothing very new, yet it furnished ample corroborative evidence of the truth of previous reports, setting forth the great destitution with respect to the means of providing sound education, unfortunately existing. There was a great numerical deficiency in schools for the education of the poor, and he agreed with his noble Friend in thinking that it had been sufficiently proved that where schools did exist they were frequently of the most inefficient description owing to the very defective education of schoolmasters—a class of persons of the greatest importance to society, and who should be looked upon in a very different light from that in which they were usually considered. Hitherto little or nothing had been done for them. True, normal schools had been erected, but nothing had been done to raise the character of teachers by increasing the emoluments of deserving masters and thus maintaining them in that condition which should appertain to a profession the highest in its moral end which any profession could aim at, but which had been overlooked and unencouraged, owing to the small temporal inducements which it held out to men of high talent and great attainments. Some portion of the funds at the disposal of Government might be apportioned to this object. He hoped that they would be found ample for raising in some degree the status of the schoolmaster, and so induce men of talent and character to undertake his duties. With respect to some observations made by his hon. Friend the Member for Liskeard, he wished to observe that there was a very large sum applicable to educational purposes at present entirely lost by being distributed over very large tracts in very small amounts—in amounts which, from their very smallness, could not be useful in the district, and entirely incapable of being applied to educational purposes, as it was impossible that they could be diverted from the trust in consequence of the expenses of a chancery suit necessary for the process. He had been in communication with Lord Cottenham, and he was glad to say that a bill was in preparation by which funds intended originally for education, but which had become incapable of being so applied, would be rendered available for useful educational purposes. He believed that the Government would give their willing assistance to the object of such a measure, should their own system not make such provisions as to render its introduction unnecessary. He certainly thought that every effort should be made to render funds now dormant available, in order to supply the existing educational deficiency. With reference to the information laid upon the Table, it was, he thought, of great importance that it should be made as public as possible. No difference existed in the House as to the deficiency in the means of education, and the necessity for supplying that deficiency, and it was therefore of the utmost importance that the evidence before the House should be circulated as widely as possible. He would beg to suggest to Ministers, that steps should be taken for publishing the evidence before the House in a shape which would render it as accessible as possible.

Sir *Robert Peel* said, that he quite agreed with the right hon. Baronet, that it was of the utmost importance that all possible publicity should be given to the melancholy details contained in these reports, and to the opinions given on the authority of the gentlemen who had collected the evidence with respect to the existing deficiency in education, as to the best means for applying a remedy. But, after all, he was afraid that the interference of the Legislature would be of little effect, unless among the educated and wealthy classes the conviction could be begotten that they were all to blame, unless they felt, and were all convinced—manufacturers, as well as landowners—those possessed of wealth, and the responsibility for the use of wealth—that they had been all individually neglectful of the education of the poor; and he trusted more to the moral effect of the demonstration of tonight encouraging individual exertion than he did to the interference of the Legislature. In expressing his gratitude to his noble Friend for the time and attention which he had devoted to the subject, and the manner in which he had introduced it to the House, he could not but feel that it was greatly owing to his noble Friend, to his character and discretion, that they might attribute the general unanimity which had prevailed in the House during the debate. He apprehended that that unanimity would be productive of the best effect throughout the country in convincing the public that when all party feelings were forgotten in a sense of public duty—there must be in this arena—so continually, and, from the very nature of things, so necessarily devoted to party warfare—a strong and overpowering sense of the necessity of the case which could produce such general unanimity. The same effect would be assisted by the dispersion through the country of the evidence before the House, and he would undertake on the part of the Government, that the recommendation made by the right hon. Gentleman would not be lost sight of. The general publication to be thus given to that evidence, he repeated, would, as he trusted, produce the best effect in encouraging individual exertion, without which the interference of the Legislature must be useless. With respect to the observations made by his hon. Friend near him (Sir R. H. Inglis), he should be sorry that schools were established in which no attempt should be made to inculcate the religion which he believed was founded upon truth; but he would ask his hon. Friend to remember, that if they did rigidly abide by an exclusive system, the consequences must be, not a gain of converts to their faith, but that all must be left in the hopeless state in which they existed at present, and the unhappy result must be an increase of infidelity, not a progress in converting the people to truth and goodness. If they said that they would establish no schools, in which they did not attempt to gain converts to the Established Church, they would make a declaration which would utterly alienate from their side many whose support, under other circumstances, they might hope ultimately to gain. In this case, as in many others, it was a comparison of advantages and of disadvantages, as it was in many matters of political importance, and if the arguments of his hon. Friend were to avail, and things were to be allowed to remain as they were—that no effort was to be made to reclaim from profligacy and misery tens of thousands of children at present subjected to the worst of temptations—he must say, that the result would be, that the cause of true religion would be prejudiced, and not advanced. With respect to some observations made upon the policy of diverting charitable bequests, he must say, that in some cases he thought that the interference of legislation might be necessary for the purpose of securing the advantages of endowment for education. He was aware of many instances in which they were lost in consequence of the object of trusts being no longer attainable. The trustees could not legally transfer the funds in their charge to any other purpose than that mentioned by the testator without an application to Chancery, which would cost at least from 60*l.* to 70*l.*—an expense which the funds were insufficient to meet. And if the application should be contested, the cost, of course, would be very much increased; and a person with the very best intentions might find himself involved in a Chancery suit to which he could see no end. He, therefore, thought that much good would be effected by establishing some cheap and summary remedy for the purpose of enabling trustees to appropriate the funds which could no longer be applied according to the testator's direction, to useful objects. There were instances in which the funds were paid to a schoolmaster who taught no school, on account of some legal defect in the trust; and he, therefore, repeated, that there should be some immediate, cheap, and summary remedy for the purpose, in such cases, of making the trust valid, and applicable to the purposes for which it was created. There were also cases in which it could be shown, that by insisting upon the maintenance of grammar schools in districts unsuitable for them, they were preventing any real benefit arising from the trust. In all cases wherein they could make available the intentions of the founder by maintaining such as grammar schools, his intentions should be as closely as possible adhered to, unless it could be shown that the founder himself would, probably, under the circumstances, have advised a departure from his trust. With respect to diverting charitable bequests to educational purposes, if they asked him whether he thought that 150,000*l.* annually spent in charity would produce such real and lasting benefit as 150,000*l.* annually spent in education, he would at once say, that the disposal of the money in the latter way would be infinitely the most consistent with sound policy, and the most likely to produce great advantages, but he should prejudice the cause of education if he were to accompany the foundation of a new system with a diversion of former charitable bequests. In cases, such as that which had been quoted, where 200*l.* was applied, not to the purposes of the poor, but in the encouragement of profligacy—he did not say there were no grounds for making a change. Such cases formed gross abuses of the trusts under which they existed; but there were many trusts intended for the benefit of the poor, whether they were given by way of clothing, food, or even money, which, provided they were wisely and well administered, he should caution the House against interfering with. Nothing could tend so much to prejudice a system of education, not only in the eyes of the poor, but generally in the public mind, as the allowing of any such diversion of funds benevolently left for the purposes of charity. Let them control the administration of those funds if they pleased, but although they might have very grave doubts as to the effect of distributions of money—although they might doubt whether a bequest was one attended with real advantage to its objects, yet he should, on the general ground of adhering as strictly as possible to the will of the testator, question the policy of meddling with it. He could suppose a case in which 20*l.* was left to forty poor widows, to be distributed in pittances of 10*s.* each, and he was sure that the hon. Gentleman opposite would not attempt to divert the money from that application. He might doubt whether such a bequest were founded upon wise policy, yet, if they found it existing he was sure hon. Members would concur with him in thinking that nothing could be more unwise than taking away the 20*l.* for the purpose of adding to a fund for the promotion of education. He trusted that the House would see the danger of coupling the promotion of education with propositions of that kind; although it would be difficult to conceive that there could be many cases in which small money bequests could confer much real benefit, even in strict fulfilment of the intentions of the testator. It was stated by the noble Lord (Lord J. Russell) that the scheme brought forward was not sufficiently extensive, but he would observe that it was not intended at first to have a universal system, but the system would apply to all workhouses, and would be so far of general application. It would also be uniformly acted upon in cotton, silk, linen, and, he believed, in flax manufactories. Depend upon it that the moment the conscientious scruples and religious principles of the Dissenters were satisfied as to the mode of conducting the schools in the manufacturing districts, a ground would be laid for facilitating the application of the system in other quarters. With respect to children working in mines, there could not be a doubt of the necessity of education to those so circumstanced; but a compulsory system was not so easily adopted in that case as with regard to the children in the manufacturing districts. He thought it was wiser not to attempt to apply this system in the first instance to the agricultural population. His own impression was, that there were many of those districts in which the education of the poor was greatly neglected. At the same time, while he admitted that the greatest attention should be applied in devising a remedy for that evil, he thought they might rely very much on the exertions of resident clergymen and resident proprietors, to facilitate the establishment of a sound system of general education. He apprehended, however, that where the public could interfere with greatest effect, was in increasing the supply of schools. He was afraid it would be found exceedingly difficult to provide salaries to the schoolmasters at the public expense, though he was not at all inclined to underrate the importance of elevating their position by the improvement of their remuneration. He thought there was a great danger with low salaries, of schoolmasters embracing other professions, if not sufficiently remunerated in their own. At the same time, he was afraid, that any legislative attempt to improve their circumstances would be exceedingly difficult. But even if the State could interfere in all cases, its assistance would be of little use, without the hearty co-operation of those which this plan was meant to stimulate and promote, who, by their circumstances and their position, had the best right to exert themselves for the amelioration of the condition of the working classes.

Mr. *Hawes* thought much gratitude was due to the noble Lord (Lord Ashley), for the manner in which he had brought the subject before the House. He must say, however, that he objected to the great principle of the proposal of the Government—the constitution of the trust. Unless parties submitted to this trust, and came under the provisions which regulated it, they could derive none of the benefits resulting from the trust. The right hon. Gentleman expected that the Protestant Dissenters would cordially avail themselves of that provision. He was afraid they would not. He looked upon it as of an exclusive tendency, and, at all events, requiring much more sifting before it was sanctioned by Parliament. The trust consisted of the clergyman and churchwardens *ex officio*, and four other persons elected. It struck him, that the clergyman would thus have the whole superintendence and regulation of the schools. The right hon. Gentleman must know how jealously such a power would be watched. For his own part, he was anxious to promote peace and charity amongst all religionists; but, he must urge on the Government the necessity of some modification of the present plan. Would it not be possible to make the dissenting clergyman also a member of the trust? He was quite ready to admit that the Government plan was a step in the right direction. It was only the other day that he read of the circulation of certain periodicals in a manufacturing town which he should not name, and when he considered the injurious if not immoral tendency of such publications, his mind was filled with feelings of deep shame at the little exertion made to counteract their effects. What was the antidote? No penal laws could possibly grapple with the evil; it must be met by the spread of a moral and religious education. He hoped the noble Lord would consider that if his plan were adopted, it would call for a good deal of concession, and that it ought not to be confined in its working solely to the management of the Established Church, but that the dissenting body ought to be consulted and embraced, if possible, in the constitution of the trust.

Mr. *Acland* hoped that general principles would not be carried too far in their application to particular cases. Where individuals connected with the Church were willing to set up schools, he thought the great object would be to encourage them, and if the schools were well conducted, they might rest assured they would be well attended. He owned that schools set up by Baptists and Methodists were often more likely to be good schools than combined schools. He was astonished to hear the right hon. Gentleman (Sir James Graham) say that the simultaneous system of instruction was the best. He could not credit any man who would get up and say that any one system was better than another; for no one had been as yet sufficiently tested. So far as the influence of the Government could be exerted through the Privy Council committee of education, he hoped they would see that the country was not sickened by pushing forward any particular system. The right hon. Baronet (Sir R. Peel) put this proposal on its proper footing, as a means of stimulating individual efforts, and in this way the Government would effect more than any Government which had preceded it. He knew from a particular friend, who lived in the neighbourhood of the right hon. Baronet, that the right hon. Baronet did not preach without practising, for he was a most zealous promoter of the education of the poor in his own neighbourhood. He warned the Government against converting the grammar schools into something else. There was the greatest zeal manifested by those connected with those schools. He knew one hundred or more masters who received instruction in Latin from a clergyman, who came every week from a distance to London for that laudable purpose. He trusted, that, by not encroaching on the principles of each other, the great cause of education might be promoted by all, and taking as the foundation of the system the union of Church and State, by God's blessing, good might be worked by persons of all persuasions.

Mr. *Stafford O'Brien* complimented Lord Ashley on the great ability and truly benevolent spirit which his speech manifested. He feared, however, that the proposal of the Government would be looked on with great distrust by the dissenters, who were not apparently entitled to nominate a schoolmaster though paying their share of the rates. With respect to the Roman Catholics, he thought a most invidious distinction was set up; and this was a proceeding which could not be defended, when they were said to number in England two millions. That might be an exaggeration—at any rate, they far exceeded the quarter of a million at which they had been reckoned that night. He thought that a periodical statement ought to be made in that House of the state of education. Meantime, he viewed with much pleasure the movement that had been made to-night towards making up the long arrear that had been incurred with the country.

Lord *Ashley* said, it had been his good fortune to bring forward two motions during the present Session, which had met with such attention from the House—however undeserved so far as he himself was concerned—that he felt it unnecessary to say a word on the present occasion in reply. He could only express his thanks to the House for the attention they had awarded to him. He assured his right hon. Friend that he would make every possible concession which could increase the possibility of carrying out the object he had in view; and it appeared to him that the unanimity which had prevailed that night was the beginning of a new order of things, which would conduce to the happiness, honour, and prosperity of their common country.

Motion agreed to.

LEBANON.] Sir *Charles Napier* moved for,

"Copies of the correspondence between the British and Turkish Governments, relative to the state of Lebanon since the re-establishment of the Turkish authority in Syria; also correspondence with the consul-general, Colonel Rose; correspondence relative to the position of the Emir Bechir el Cassem, from the time of his assuming the government; the same correspondence relative to the losses of the inhabitants of the Lebanon during the military operations in that country."

Sir *R. Peel* had no objection to the production and publication of all papers that were necessary to show the exact state of the case without compromising individuals. At the same time, the correspondence required by the hon. and gallant Officer extended over a great period. [Sir *C. Napier*: Not above one year.] He believed it would be found to be nearer two years. The correspondence, however, was very voluminous, and overwhelmed as the Foreign-office was with business at this period of the Session, he could not promise the production of the papers very soon.

Sir *C. Napier* would be contented with such papers as could be produced without danger to the public service or the safety of individuals. His object was not to embarrass the Government, but to show to the inhabitants of the Lebanon that we had not neglected the promises that had been made to them. We did not really stand so well in that country as we ought.

Sir *R. Peel* said, the whole of the papers would make an immense volume. He could not be responsible for the conduct of the Turkish government.

Sir *C. Napier* was satisfied the Government had done all in their power to do justice to the people of the Lebanon; but it would be advantageous to show that fact; and perhaps the right hon. Baronet would select a sufficient portion of the correspondence for that purpose.

Sir *R. Peel* said, if the gallant Officer would leave it to him, he would produce enough of the correspondence to show the extent of our engagements, and which would enable the gallant Officer to take the course he might deem best, and which would, at the same time, show that the Government had been unceasing in their endeavours for a settlement.

Motion agreed to.

EDUCATION.] Mr. *Ewart*, who had a motion on the paper to the effect that "every year a statement should be made to the House by a responsible minister, on the state and prospects of the education of the people," said, that he had been most anxious to bring this subject before the House, but after the debate that evening, he would not at present press his motion.

House adjourned at a quarter to one o'clock.

HOUSE OF COMMONS,

Wednesday, March 1, 1843.

MINUTES.] BILLS. *Private.*—1°. Lancaster Lunatic Asylum; Liverpool Gas; Cardigan Market; Southampton Docks; Ipswich Docks; Trentham Roads; Glasgow City and Suburban Gas; Staffordshire and Worcester Canal.

PETITIONS PRESENTED. By Mr. Morris, from Carmarthen, against the Ecclesiastical Courts Bill.—By Sir G. Grey, from the London Missionary Society, against Lord Ellenborough's Proclamation.—By Mr. F. Berkeley, from Cirencester, against the Income-tax.—By Mr. Hughes, from Bettws Caedewen, and other places in Wales; from Christ Church, St. Pancras, against the Union of the Sees of St. Asaph and Bangor.—From Llanfihangel, Llanygog, Llanllwchaiarn, and an Association at Bath for Church Extension.—By the O'Connor Don, and Sir D. I. Norreys, from Ovan, Cloonycornican, Mallow, and Kilshanick, against the Irish Poor-law.—By Mr. Hume, from Letham, against the existing Poor-laws in Scotland.—By Colonel Rushbrooke, from Clare, against any further Grant to Maynooth College.—From Shipridge, and Huddersfield, for the Repeal of the Corn-laws.—From Reigate, and the West Firle Farmers Club, for the Repeal of the Malt Tax.—From the Bicester Union, for the Repeal of the English Poor-law Act.—From New Ross, for regulating Working Hours of Bakers.—From British and Foreign Anti-Slavery Society, against Article of Treaty of Washington.—From Donacloney, and Belfast, respecting Dissenters Marriages (Ireland).—From Sussex, for Amendment of Parochial Assessment Act.—From County of Down Infirmary, against Medical Charities (Ireland) Bill.—From Llandovery, against Renewal of Bills of Exchange Act.

SHIPWRECKS.] Mr. *G. Palmer* moved that the Select Committee on Shipwrecks consist of twenty-three.

Mr. *Hume* wished to know why in this case the usual course should be departed from.

Mr. *H. Lambton* explained, that the reason was that he had complained that the shipping interest of the counties of Durham and Northumberland had not been properly represented in the committee as it was first formed. The same complaint had been made by hon. Members connected with Scotland, Cornwall, and the south of England. He thought, that generally speaking, the number of those composing a committee should be regulated rather by the importance of the subject than by any particular rule—at this moment we had sitting the Paisley and standing order's committees; it was quite clear it was not so necessary to have a larger number of Members upon those committees, as in this case of the shipwreck's committee, which was a subject of such vast importance, and had to inquire besides into the bill of the hon. Member for the city of Durham, which peculiarly affected the interests of the shipping interest all over the kingdom.

Sir *G. Grey* said, if the number of the committee were to be increased, so as adequately to represent all towns connected with the shipping interest, the number might be enlarged *ad infinitum.* He might as well complain on the part of the South of England, for Portsmouth, Plymouth, Devonport, and Rye, were unrepresented in the proposed committee. It would be much better to adhere to the general rule.

Mr. *Hume* moved that the committee be confined to fifteen Members.

The *Speaker* said, as no committee could consist of more than fifteen Members, unless by a special order of the House, the proposed committee, if the motion were to be rejected, would necessarily consist of that number.

Mr. *Hawes* thought, the explanation given by the Speaker was an additional reason for postponing the motion, at least from this day; otherwise, in the event of the motion for increasing the number being lost, the first fifteen names must necessarily form the committee.

The House divided on the question "that the committee" do consist of twenty-three Members—Ayes 85; Noes 90: Majority 5.

List of the AYES.

Acland, T. D.
A'Court, Capt.
Aldam, W.
Allix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Ashley, Lord
Barnard, E. G.
Beckett, W.
Beresford, Major
Bernard, Visct.
Bradshaw, J.
Browne, hon. W.
Brownrigg, J. S.
Campbell, A.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Chute, W. L. W.
Clive, hon. R. H.
Cochrane, A.
Collett, W. R.
Colquhoun, J. C.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Dundas, Admiral
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Fielden, W.
Fielden, J.
Fellowes, E.
Ferguson, Sir R. A.
Fitzroy, Capt.
Forbes, W.
Fuller, A. E.
Gill, T.
Gladstone, rt. hn. W. E.
Halford, H.
Hamilton, W. J.
Hanmer, Sir J.
Henley, J. W.
Hepburn, Sir T. B.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Hughes, W. B.
Inglis, Sir R. H.
Irton, S.
James, Sir W. C.
Lambton, H.
Lowther, hon. Col.
Lygon, hon. Gen.
Mahon, Visct.
Mangles, R. D.
Manners, Lord J.
Martin, C. W.
Norreys, Sir D. J.
Pechell, Capt.
Pennant, hon. Col.
Plumridge, Capt.
Praed, W. T.
Pringle, A.
Pusey, P.
Ross, D. R.
Round, J.
Rushbrooke, Col.
Sandon, Visct.
Sheppard, T.
Shirley, E. J.
Smith, A.
Smollett, A.
Trevor, hon. G. R.
Trotter, J.
Turner, E.
Tyrel, Sir J. T.
Wallace, R.
Wawn, J. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Wynn, rt. hn. C. W. W.

TELLERS.

Fremantle, Sir T.
Palmer, G.

List of the NOES.

Adderley, C. B.
Antrobus, E.
Archbold, R.
Bankes, G.
Barneby, J.
Borthwick, P.
Broadley, H.
Broadwood, H.
Brotherton, J.
Bruce, Lord E.
Buck, L. W.
Buller, E.
Byng, rt. hon. G. S.
Clay, Sir W.
Clayton, R. R.
Colebroke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Dennistoun, J.
Douglas, Sir C. E.
Duncan, Visct.
Duncan, G.
Ellice, rt. hon. E.
Ellice, E.
Elphinstone, H.
Estcourt, T. G. B.
Flower, Sir J.
Forster, M.
Gore, hon. R.
Goulburn, rt. hn. H.
Greene, T.
Grey, rt. hon. Sir G.
Grogan, E.
Hallyburton, Lord. J. F. G.
Hamilton, Lord C.
Hatton, Capt. V.
Hay, Sir A. L.
Heathcote, Sir W.
Horsman, E.
Howard, hon. H.
Hutt, W.
James, W.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lennox, Lord A.
Leslie, C. P.
Lowther, J. H.
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
Mc Geachy, F. A.
Marjoribanks, S.
Master, T. W. C.
Morgan, O.
Nicholl, rt. hon. J.
O'Brien, W. S.
O'Conor, Don
Ogle, S. C. H.
Ord, W.
Palmerston, Visct.
Peel, rt. hon. Sir R.
Philips, G. R.
Pollington, Visct.
Ponsonby, hn. C. F. A. C.
Ponsonby, hon. J. G.
Protheroe, E.
Repton, G. W. J.
Ricardo, J. L.
Roebuck, J. A.
Russell, Lord J.
Scrope, G. P.
Shaw, rt. hon. F.
Shelborne, Earl of
Somerset, Lord G.
Stanley, hon. W. O.
Stansfield, W. R. C.
Strutt, E.
Sutton, hon. H. M.
Thornely, T.
Townely, J.
Vane, Lord H.
Williams, W.
Winnington, Sir T. E.
Wood, B.
Wood, Col. T.
Wood, G. W.
Yorke, H. R.
Young, J.

TELLERS.

Hume, J.
Hawes, J.

Committee to be nominated on the following day.

War with Affghanistan.] Mr. *Roebuck* rose to bring forward the motion of which he had given notice, for the appointment of "a select committee to inquire into the circumstances which led to the late hostilities in Affghanistan, to report the evidence and their observations thereon." The hon. and learned Gentleman said, I have too often experienced the kindness of this House myself and seen it extended to others, to doubt on the present occasion of its being continued to me, when, indeed, my need of indulgence is so great. I fear, Sir, that I shall be compelled to occupy a large portion of the time of this House—more, perhaps, than I, from any claims or qualities of my own, have a right to consume, though not more than the great subject which it is now my duty to submit to your consideration imperiously demands. This subject includes many questions of the gravest import; the interests involved are those of numerous nations of immense population—the time over which the events to be considered extend is considerable—the events themselves are exceedingly various, complex, and intricate—the evidence relating to them has to be collected from many separate sources, its often conflicting, doubtful, and insufficient, requiring much patience to gather it together—much care and caution duly to sift, and accurately to ascertain its value. I cannot hope to win the assent of this House to the conclusions I desire to establish unless the attention of its Members be sustained so as to follow the statement which I am compelled to lay before them, and for this attention, should I be so fortunate as to gain and preserve it, I must, I know be indebted rather to the interest of the case to be investigated, the kindness and the good-will of those who hear me, than to any merits of my own, either in the narrative into which I must enter, or the arguments by which I shall endeavour to establish the conclusions it will be my duty to propound. Making, then, an earnest and anxious appeal to the kindness of the House, hoping that they will extenuate my inefficiency, bear with and supply my omissions, I proceed at once with such confidence as I can command, to the great argument before me. I have, then, to solicit the assent of the House to a proposal, that an inquiry should be instituted into a series of transactions which in my opinion, gravely compromise the political character of many, perhaps, correctly speaking, of the whole of the Members of the late Administration; for to me it appears, from such evidence as now lies before us, that they have put in jeopardy many great interests of this country, by undertaking on their own responsibility, a most unjust, unnecessary, a most impolitic, and dangerous war, against the people of Affghanistan. I shall be obliged to accuse them of having done this without getting or seeking for the sanction of Parliament, which it was their duty to do, and in direct opposition to the well-known feelings of the East India Company. I shall be obliged to say that they are guilty—I use the words advisedly—of having dragged this nation into an unnecessary, impolitic, and unjust war against the people of Affghanistan, without having recourse to those from whom it was their duty to ask advice and counsel, and of having on their own responsibility only undertaken this extraordinary course. Such is the conclusion to which I am about to invite the House, but prior to coming to that conclusion there must be an inquiry. "Has there been made out a *primâ facie* case against those who undertook this war?" If there be a *primâ facie* case made out, my case is made out. I am not here to condemn any one; but I am here to lay the foundations upon which an accusation may be made, and the onus of replying to that accusation lies upon the party accused. If, upon the evidence that is now laid before us, I make out these three propositions, I shall have made out all that I desire. If, upon the evidence, I show that the war which has been undertaken has been both impolitic and unjust—that it has been undertaken without the due sanction which is required by Parliament, by the country, and the East India Company; and if also, I make out—when these parties are called upon for their defence, for the justification before the country and this House, if their conduct, which has been thus extraordinary—that they have garbled and falsified the evidence requisite for this purpose, which was requisite to sanction their conduct, then I shall have brought home to them a responsibility from which they cannot escape—from which the duty of this House will not allow them to escape. For my charge against them is, that they have undertaken an unjust and impolitic war on their own responsibility, and that when called upon by Parliament to justify that responsibility, they have in the most unworthy manner, garbled the evidence upon which their justification is made to rest. This is the ground I am about to lay. If that ground be laid—if a *primâ facie* case of suspicion be made out, then shall I most confidently expect of those Gentlemen, whom it may be my misfortune thus to impugn, that they will be the foremost of those who will support my motion, confident in their own innocence—confident in the belief that they will be able to show to this House and to the world, that there lies behind the evidence now before Parliament something that will justify them to their countrymen, to us, and to the world. If I make out upon the present evidence the charge I am now directing against the late Administration, there will be but one of two courses to follow—immediate condemnation or inquiry. Now, for immediate condemnation I am not prepared—justice to the parties whom I impugn requires of me that they shall have full opportunity of exculpating themselves from the charge which I bring. Therefore, I say, that I now come to this House earnestly appealing to it to do its duty to the country, and to determine with me whether or not an inquiry shall take place into the extraordinary conduct of which I complain. If the House says that inquiry shall not take place, then I assert that there is no alternative but condemnation. It may be said that it will be difficult for me to lay the ground upon which I rest my charge. I acknowledge it. I admit that it will be difficult for me to do so, on account of the extraordinary mode in which the evidence has been dealt with. But I think I shall be enabled, if the House will grant me its attention, so to unravel this—web of deceit, I was going to say—but, if not deceit, something very like it—as to lay before it, with comparative distinctness and clearness, the grounds of my suspicion. It has been objected, too, that I have taken a wrong course—that the motion I submit to the House is unprecedented—that a select committee has never been appointed for such a purpose. When I proposed at first that a select committee should be appointed for the purpose of reporting on the policy of the war, I was met by that objection. I at once yielded to the suggestions of those whose suggestions I always listen to with respect; I appealed to the precedents of Parliament, and I find that those precedents fully justify me in the mode I now pursue. I call for inquiry—I call for a selection of evidence—and I require that the committee which thus selects the evidence shall report their observations thereon. I am borne out in the adoption of that course by Mr. Burke, who, in 1783, moved for the appointment of a select committee for a purpose completely analogous to that which I now have in view. I am further justified in the course I propose by the conduct of Mr. Dundas, who obtained a select committee for the same purpose—for the purpose, indeed, of not simply reporting its opinion upon the circumstances which led to an Indian war, but upon the whole administration of the whole government of India. Therefore I say that, looking back to the precedents of 1783, I am fully justified, as far as parliamentary rules are concerned, in asking the House—if, upon the evidence I submit to it, and which is before the public, I establish a case of suspicion—to make an inquiry which the interests of the country and of humanity demand. My first point (thus laying the ground which I am prepared to make out) is this—that the war which has been lately carried on by the English on the west of the Indus, has been a war of aggression, and as such an unjust and impolitic war. If I make out that it is an unjust and an impolitic war, I then throw the onus of exculpation upon those who undertook it. If they believe themselves to be innocent of the charge which I bring against them, they will, of course, be the first to support me in the investigation I propose. Amidst the din of arms the voice of law and of justice is seldom heard; but I hope that the House, upon this occasion, will allow me to appeal to justice and to law, when I use the word "aggression," and endeavour to explain what I mean, and what is the true value of the term, as applied to a war undertaken against any people. In the present state of civilization the principles of international law, certainly in Europe and America, are admitted as the guide for the conduct of nations; and in as much as we advance in civilization, those rules of international law will become more and more imperative, and the more we become deserving the name of "man," the more we shall obey those dictates which are the dictates of justice and humanity. Now I maintain that the dictates of international law lay down this rule—that a war to be just must be defensive. If I were speaking not in a community of Englishmen—if I were speaking in a community of old Romans, whose whole desire it was to extend their dominion over the rest of the world, I should feel that I had satisfied them, if I pointed out to them that I had extended their dominion—that I had subdued their enemies—that I had rendered those weak who were before strong, and that I had converted those who were doubtful, into abject and worthless slaves. If I were addressing myself to an old Greek—if I told him that I was desirous to invade Persia (the case is somewhat analogous), and appealed to his old recollections, he would believe that he had a holy duty to perform to avenge upon the descendants of those who had done his country wrong the miseries which his ancestors had suffered. But amongst a nation of Englishmen, at a time when we believe that we are far above the men of old time—great as they were and gigantic in their intellect—in all that renders great and exalts humanity, I think I am not called upon to justify the appeal I make to this House when I ask it to declare with me that a war to be just must be defensive. I have no difficulty about this point. But I am quite prepared to allow that a defensive war may be in reality produced most completely by undertaking the initiative of hostilities—in other words, that a war aggressive in appearance may be a defensive war in reality. I am quite willing to make that admission. But recollect that the aggression expected from others, which makes you anticipate their acts, must be a danger which does not alarm a mind usually worked upon and excited by a fantastic sensibility; but must be a sober conclusion of a rational, sane, steadfast mind, and above all things, we should recollect that if we make aggression, it must be upon the party from whom we expect attack; in other words, to put it in homely phrase, that we are not to knock down Thomas because we are afraid of Richard. Laying that ground, I say if I make out that the war of which I am speaking was a war of aggression, the onus of showing that it was a defensive war in reality, though it may have been an aggressive war in appearance, lies upon the parties who undertook the war, and that they who bring their arguments and their evidence in support of that proposition are to be looked upon by this House, whose duty it is to judge of them, with extraordinary suspicion and doubt; and I am quite willing to confess that I do look with extraordinary suspicion and doubt upon evidence and arguments adduced by the noble Lord the late Secretary for Foreign Affairs and his colleagues on every matter concerning our foreign relations. I may be unhappy, most unhappy, I may be singular, in having the impression upon my mind; but I cannot help fancying that the noble Viscount (Viscount Palmerston) who so lately ruled the destinies of this country abroad has had a most pernicious influence upon our foreign policy. I cannot help fancying that if the name of England has been brought into bad odour with the world, the most active instrument in the production of that mischief has been the noble Viscount the Member for Tiverton. In fact, if I might, upon so serious a matter, bring forward an almost ludicrous illustration, I should say that the noble Lord was best typified by a late production of modern science, which is called the lucifer match. No sooner does he meet with an obstruction than a flame immediately bursts forth. He puts his hand upon America, and it required but one move to bring upon us a war that, in all its calamities, would have been equal to a civil war. It was only by a miracle that we were saved from a war with France. It was not owing to anything that the noble Lord did not do that we were not thrust into a war with Russia. We had an unnecessary war in Syria—we had an armed body in the Persian Gulf—Englishmen, and those under them, have swept the whole plains of India, from the banks of the Indus to the confines of the Hindoo Coosh, under the noble Lord's pernicious influence, bearing with them all the consternation and all the horrors of war. In short, extending his mischievous activity over the whole habitable world—from the western coasts of America to the eastern coast of China (where war absolutely raged)—wherever the English name is known, the hideous consequences of war have been expected to follow. Therefore, I say, that I do look with suspicion upon every argument and every fact that may be adduced by the noble Lord or those around him, in vindication of the mischievous activity which he has displayed in perplexing and distracting our foreign relations with the world at large. Far be it from me—I hope the House will not for a moment believe—that the noble Lord will not for a moment suspect—that I am one of those—he must know at once the class of men to whom I allude—who fancy or think that any person ought to accuse him of treasonable alliances with the enemies of his country. Such insane accusations answer themselves. But I do charge him with being most unfortunately ignorant of the true method of dealing with foreign nations, so as to make them respect the country which he represented. I charge him with mischievous meddling in affairs with which we had no concern, and with dragging the interests of this country into dispute, when he ought to have had the prudence and the dignity to have assumed a different tone, and pursued a different course. That is the charge I bring against him. I say, that he was, throughout the whole of his conduct whilst he was in office, as I shall show in some particular instances, imprudent, careless of our interests, and reckless in his manner of dealing with the great interests of humanity, which are affected by every movement of England. Thus, sweeping away those matters which connect themselves rather with the form of the question, I now proceed to address myself to the substance of it; and in doing so, I must intreat the House to believe me when I say that it is with the utmost reluctance that I speak of matters with which the House is generally, I may, perhaps, say, universally acquainted, but which I feel it necessary shortly to go over, in order to explain my own views upon the subject I have taken in hand. I invite the House for a moment to consider the geography of the country I am about to bring under its consideration. Our Indian possessions at the present moment, taking them roughly, extend from Cape Comorin to the Himalaya mountains. From the Himalayas I look to the north-west, and find that our boundary is marked in that direction by the course of the Sutlej, till it reaches the province of Bhawulpore, whence it inclines towards the territory of the Sikhs, so that in no portion of our territory do we touch the river Indus. This fact the House will find, in the after-consideration of the present question, to be a matter of great importance. If we follow the Sutlej down to its confluence with the Indus, and thence take the Indus up to the Himalayas, it will be found that the Indus forms the western boundary of the country called the Punjaub. Between the Sutlej and the Indus lies the territory well known to every man of classical attainment, the country of the five rivers, a triangle, of which the Himalaya mountains form the base, and the confluence of the Sutlej and the Indus the apex. That country at present is in the possession of the Sikh nation, and at the time I am speaking of, was under the undivided control of Runjeet Sing. Runjeet Sing's dominions, however, in consequence of his attacks upon the provinces on the western banks of the Indus, extended partly to the country of the Affghans. He possessed himself, by a series of intrigues, combined with violence, of Peshawur and its territories; so that in reality the dominion of Runjeet Sing extended to the west of the Indus, including Peshawur, and thence continued to the south, until it was bounded by the western portion of the territory of the Sikhs. I now ask the House to consider the Affghan territory. Affghanistan, according to the feeling of the Affghans themselves, and of the world at large, is bound really in the east by the Indus, in the north by the Hindoo Coosh, in the south by Scinde, and in the west, by a sort of waving and indefinite boundary, by Persia. The character of the people within this territory must be well known to every one acquainted, even in most superficial manner, with the history of the East; and I am afraid, that when we come to consider this question, we shall find, that the ancient history of this people has very much affected the war of which we are now taking cognizance, and that their modern fortune has been the result of their ancient renown. In the earlier part of the last century, Ahmed Shah rescued the Affghan people from the dominion of Persia, and extended the territory from Bokhara to Scind, and the Punjab. He died, leaving a son, Timour Shah, who being born in the purple, was unworthy to reign, and unable to maintain the conquests of his father. Timour left behind him five sons, Zumahu, Mahommed, Soojah, Gasoo, and Zimaun, and the singular part of the history is, that each of these in turn was upon the throne of Cabul. Zumahu reigned for a few months, when he was taken prisoner, and according to the fashion of those countries, being deprived of his crown, he was deprived also of his eyes. His brother blinded him—and I beg the House to bear this in mind, as by and by I shall bring it to bear. Zimaun blinded Zumahu and took possession of the throne. The life of Zimaun was spent between repelling the attacks of his enemies and making aggressions upon the Indus. He was dethroned by Mahommed, and past the rest of his life, in more senses than one, in obscurity. Mahommed was then opposed by Soojah, the worthy *protegé* of the virtuous British Government. Being the whole brother of Zimaun, though younger than Mohammed, he raised an insurrection, and at length succeeded in taking Mohammed prisoner, and strange to say, did not put out his eyes. Important consequences followed, for we then became connected with this extraordinary people. In 1809, Mr. Elphinstone went on a mission to Cabul, to Soojah, who was then on the throne, and who was about to contest it again with Mahommed, who had escaped and was in arms. England entered into a treaty with Soojah, and he was very soon afterwards hurled from the throne. Soojah failed in all his endeavours to regain his kingdom. His last attempt, made in 1834, during the time Lord William Bentinck was Governor-general, appeared for some time to be prosperous, but it was then declared to be the policy of the British Government to leave the people of Affghanistan to settle their own affairs, and all aid on this ground was distinctly refused to Soojah, who was defeated before Candahar by Dost Mahomed. He went to Loodianah and lived in dependence. The succession of these various princes will remind the House very much of the kings in "Candide," for Mahommed again became King of Cabul. I have now to introduce to the notice of the House an important race called the Barruksye family. By the head of that family, Futti Khan, they had assisted Mohammed in regaining his kingdom: Zimaun having at one time put out the eyes of the then head of the family of the Baruksye, had rendered them his irreconcileable enemies. Mohammed regained the throne by the aid of the Baruksye family, but he soon seized the leader of that family, Futti Khan, put out his eyes, and then killed him. The Baruksye family raised a rebellion in the country, and set up Gasoo; having done so, they dethroned him, and divided the country among the members of their own family. I am presenting the House with a sort of phantasmagoria—just showing them the glimpses of great objects and then passing them by. Such was the condition of these countries when that train of events began which ultimately led to the disastrous war of which I now complain. The whole of the Punjaub was in the possession of Runjeet Singh. Peshawur, on the west side of the Indus, was also in his power, together with a large tract of country also on that side of the river. Scinde was under the government of its own Ameers. Beloochistan was independent, and so was Balk and Bokhara. Herat, the most western city of Affghanistan, and its possessions, were ruled by Kamran, the son of Mahmoud, and was the only portion of Affghanistan governed by a member of his family. Candahar and Khelat were in possession of Dost Mahomed's half-brothers, who owned him as a sort of chief; and Cabul and its dependencies were subject to Dost Mahomed himself. I must now leave Affghanistan and invite attention to Persia. Only fancy that for the sake, as it has been contended, of our common interests, we are obliged to mix ourselves up with the transactions of central Asia. Yet so it was: in 1834 Lord Palmerston thought fit to make a communication to the Russian Government respecting the succession at Teheren. It was determined that the present Shah of Persia should be the person really fixed upon as the successor of the then Persian monarch. I beg here to refer the House to a document which shows why the noble Lord and his colleagues thought proper to deal in these affairs. It is a letter from Lord Palmerston to Mr. Bligh, dated in September, 1834. [The hon. Member read, in an indistinct tone, part of the document to which he referred, which enforced the fitness of maintaining not only the internal tranquillity, but also the independence and integrity of Persia, and assured Mr. Bligh that Great Britain would always find real pleasure in cooperating with Russia for the purpose. Mr. Roebuck also adverted to a subsequent despatch of Count Nesselrode, the date of which he did not mention, stating that events, however satisfactory, were not sufficient to consolidate Persia, and to remove from that country all the elements of discord. The hon. Member then continued.] In consequence of that determination, on the part of the two Governments Mahomed Mirza succeeded to the throne of Persia; and he was no sooner upon it than he manifested a desire to carry out the instructions given to our Minister in Persia, viz., to maintain the integrity of that empire: in his opinion the Persian territory included Herat, Candahar, and Ghuznee: in fact, a very large portion of what had been considered Affghanistan. Unfortunately, in the year 1814, we had made a treaty with Persia, in which we distinctly undertook not to interfere in any dispute between Persia and Affghanistan, unless asked to do so by both parties; and the noble Lord and Lord William Bentinck, and every person who had administered the affairs of India, understood that such was our duty; we could not interpose, excepting as mediators, and Lord W. Bentinck, in writing his despatch to Shah Soojah, in 1834, when he had endeavoured to recover his kingdom, clearly told him that he was bound by the treaty of 1814, and could not interfere in any way between Persia and Affghanistan. Such being the case, and such the state of affairs, it happened that in 1836 the Government of India thought fit to dispatch up the Indus Captain Burnes, in order to establish what the Governor-general called commercial intercourse with Central Asia. When I mention the name of Captain (afterwards Sir Alexander) Burnes, I am obliged to refer to his former proceedings, as authorised by Government; and I must say, that for a Government like ours, professing so much fairness of dealing, and constantly using such epithets as—candid, open, and upright, the proceedings of Captain Burnes, connected with the Indus, were anything but honourable to this country. Under the lame pretext of sending some dray-horses to Runjeet Sing, private instructions were given to promote trade with the people, and to make a survey of the Indus, for the purposes of commerce. I do not say that a survey of the Indus might not be extremely advantageous, but the result shows that in that instance, Sir Alexander Burnes was in truth used only as a spy. We wanted to promote our own commercial purposes, but Sir Alexander Burnes had been there before 1836; he had not only been up the Indus, but across Asia to the Caspian. In the form of reports he had raised an unfortunate opinion respecting the intentions of Russia, which led to all the consequences we have had to lament, for, not content with exploring the Indus, and ascertaining how we might best avail ourselves of that great artery of India, he went on to Bokhara, to the Caspian Sea, and again to Teheran; and while there were floating in his mind plans of future commercial aggrandisement, he seems at the same time to have been impressed with a strange notion of the overwhelming designs of Russia. In consequence of his representations he was sent, in 1836—to whom? To Dost Mahomed, the *de facto* ruler of Cabul, on a mission of peace and security from the British Government; he was sent for the purpose of endeavouring to establish some sort of communication between that country and our own, in order that our manufactures might find their way into central Asia. We dispatched a mission of peace and good-will to Dost Mahommed, as I said, the *de facto* ruler of Cabul. We did not quarrel with his title; I will show the House in one moment that we could not safely quarrel with his title. I have read what shows that our whole policy was that of neutrality In 1834 Shah Soojah attempted to regain his kingdom, and application was then made to the Governor-general to aid him. What was the answer?—

> "We cannot do it—our policy is neutrality. We must not mix ourselves up with the internal concerns of the nations of Asia: we take the *de facto* governor of a kingdom, and we do not inquire whether he has a right to be so."

I will now trouble the House with an extract from a letter from Mr. M'Naughten to Captain Wade, dated 16th May, 1832, in which he says,—

> "Be very careful to impress upon every body, as a rule never to be deviated from, that we must keep ourselves clear from all connection with political parties."

To the same effect, Lord W. Bentinck wrote to Shah Soojah on the 20th October, 1832:—

> "I deem it my duty to tell you distinctly that the British Government religiously abstains from intermeddling with the affairs of its neighbours whenever it can be avoided. You are, of course, master of your own actions; but to afford you assistance would not be consistent with the neutrality adopted by the British Government."

To the same effect I could multiply

proofs almost interminably. In a letter to Mr. Fraser, Mr. M'Naughten observes:

> "A strictly neutral part is maintained with regard to the Shah and his proceedings, and this Government has indirectly refused to afford him the assistance which he has repeatedly solicited."

Twenty instances of the same kind might be quoted; but I will read one more because it comes from the Court of Directors, in 1837, to the Governor-general.

> "We approve highly of your having declined entering into the proposed engagements, but observe with satisfaction the tone of friendship and confidence that prevails with respect to the west of the Indus, with whom they should have no political connection and should take no part in their quarrel. They should maintain a friendly connection with them and transmit the most correct information concerning them."

The rule of the British Government respecting all military operations was perfect neutrality; that was the principle laid down by the Court of Directors, adopted by the Governor-general, and prescribed by the Government of Great Britain. I am now about to direct the attention of the House to the immediate cause of the war. While Sir Alexander Burnes was at Cabul his mission was converted from a commercial to a military one. The desire of the Persian ruler to possess himself of what he looked upon as his territory — Herat, Candahar, and Ghuznee, became more and more manifest. The exhibition of this desire had been postponed from time to time, but at length the Shah determined to besiege Herat. I am now about to mention one of those extraordinary hallucinations which sometimes appear to take possession of the most clear-sighted mortals. That the most clear-sighted and accurate judges should now and then be blinded in their judgment nearly to positive madness, is one of the afflictions of poor human nature. Unfortunately this extraordinary madness extended its influence over a large number of individuals. This hallucination possessed the Government at home, the Government of India, our Ministers in Persia, and certain persons who were sent out on an exploring expedition into Central Asia; the notion was, that Russia desired to extend her empire over the whole of Central Asia—that she was descending upon Affghanistan, in order to plant herself on the western bank of the Indus, and from thence to invade Hindostan. That was the idea which engrossed the minds of the Government here, of the Governor-general, of Sir A. Burnes, of Mr. M'Neill, and, in fact, of almost every man connected with the Government at home or in India, as might be proved by twenty or thirty letters. Everybody who has read these papers must know that they are filled with that sort of idle gossip; first a Russian agent is here—then he is there—in short he is everywhere, a kind of will-o'-the-wisp, whom nobody can catch but everybody can see. This is speaking ludicrously, but the fact is, that the most absurd terror seems to have been entertained, and evidence was scraped together from all quarters to give it apparent reality. Unfortunately it not only possessed the minds of the individuals to whom I have alluded, but it led to action. A belief in this bugbear formed the justification of their conduct; but now let us look for a moment at their honesty. Russian influence was at work in Persia, and acted upon Herat. A noble Lord, in another place, has said, that he though the interests of India were at stake — that he thought the siege of Herat was the first step to the introduction of Russian dominion. Dost Mahommed feared the capture of Herat and feared the advance of Runjeet Sing, and at that moment he addressed Sir A. Burnes:

> "Defend Herat for us, and bid your friend Runjeet Singh to restore Peshawur to the Affghan people, and we will prove the firmest of your friends. Refuse me this and what can I do? You force me to have recourse to Persia or to see myself destroyed. I make no secret of my conditions. I tell you all I am doing; I explain to you the high value I place upon your alliance and aid. I do not even complain when you refuse me all I ask. I feel no enmity towards you, though I lament my own ill fortune."

Can you show me, in the whole series of unjust wars, anything so degrading to English honour and honesty as our conduct with respect to India? Fearing then, the domination of Russia, and the fall of Herat, what did we do? Did we attack Russia? No. Did we attack Persia? No. Kamram possessed himself of Herat, and did we make Dost Mahommed our friend? I think I may lay it down as a proposition, that a man has no right to knock down Richard because he is afraid of Thomas. Here you are afraid of Russia —you fear Russia at Herat, and upon the Caspian—and you attack Dost Mahommed at Cabul. You are afraid of the powerful, and therefore you generously and gallantly attack the weak. In the whole series of unjust wars, I defy you to show me anything so degrading as this to British honesty and honour. Because we have a strong enemy, are we to do injustice to a weak friend? We fear Russia on the Caspian, and we crush Dost Mahommed in Cabul! Is this your honour, your candour, or even your fair dealing? Are you not rather a set of mercenary and cowardly marauders, turning upon your friends, because you dare not assail your enemies? I accuse you, in the face of the united world, as the basest of dastards, seeking your own commodity and abandoning every principle of honour and honesty. Such was the Government of the day; but I appeal with confidence to the character of my country, and to the justice of the House of Commons. But was there no pretext to cover this shameless and disgraceful attack? Yes; two pretexts: one was that Dost Mahommed desired an alliance with Persia; the other was, that he desired to regain Peshawur. He had a right to enter into an alliance with Persia. We had entered into an alliance with Persia in 1814, by which we agreed not to enter into any dispute, without the consent of both parties; but they were about to settle the matter themselves, and save us the trouble. Dost Mahommed said,

> "I should be glad to have you for my friend? what am I to do? I shall be overwhelmed. God has so ordained it (he added, with his Mussulman notions), and I do not blame you, but I am obliged to have recourse to Persia, or I shall be overwhelmed."

Then Captain Vicovitch appeared upon the scene: he was a most wonderful and mysterious person, and Sir A. Burnes ran away from Cabul because Captain Vicovitch was at Candahar. However, he parted on the most friendly terms with Dost Mahommed, to whom Lord Auckland wrote a letter of the most amicable description, which every hon. Member must have read, and with the repetition of which I need not trouble the House. How, then, is it possible to reconcile our proceedings with justice, or even with common fairness? A mission was sent to Dost Mahommed — a most friendly letter was written to him—the envoy parted from him on the best terms in April, and yet, within a month afterwards, it was determined to make war upon him, and to crush him, as if he were a rival of our power. I want to know where is the honour of such a course? What claim had Shah Soojah upon us? Was he a legitimate monarch? No, he was not the legitimate sovereign by any rule, European or Asiatic. Prince Kamran has as good a right to the throne; he has his eyes as well as Shah Soojah. I will here take the liberty of reading to the House a very strong authority—no less than that of the late Marquess Wellesley, as I find it in the work of Mr. Mill, a historian worthy, not of this country only, but of any country and any age. I quote the following from his "History of British India:"—

> "To one view taken by the Marquess Wellesley, of the question of restoring the Mahratta sovereign, philosophy will not withhold unqualified praise. 'The stipulations of treaty (says he, in his instructions, dated 2d of February, 1803, to the Governor of Fort St. George) on which I founded my intention to facilitate the restoration of the Peshwa's authority, originated in a supposition that the majority of the Mahratta jaghiredars, and the body of the Peshwa's subjects, entertain a desire of co-operating in that measure. Justice and wisdom would forbid any attempt to impose, upon the Mahrattas, a ruler, whose restoration to authority was adverse to every class of his subjects. The recent engagements with the Peshwa involve no obligation of such an extent. Whatever might be the success of our arms, the ultimate objects of these engagements could not be attained, by a course of policy so violent and extreme. If, therefore, it should appear, that a decided opposition to the restoration of the Peshwa is to be expected from the majority of the Mahratta jaghiredars, and from the body of the Peshwa's subjects, I shall instantly relinquish every attempt to restore the Peshwa to the musnud of Poona.' This virtuous example, till such a time as the majority of the people in every civilized country have become sufficiently enlightened to see the depravity of the case in its own essence, will help to stamp with infamy the most flagitious perhaps of all the crimes which can be committed against human nature, the imposing upon a nation, by force of foreign armies, and for the pleasure or interest of foreign rulers, a government, composed of men, and involving principles, which the people for whom it is destined have either rejected from experience of their badness, or repel from the experience or expectation of better. Even where the disparity of civilization and knowledge were very great; and where it was beyond dispute that a civilized country was about to bestow upon a barbarous one the greatest of all possible benefits, a good and beneficent government; even there,

it would require the strongest circumstances to justify the employment of violence or force. But, where nations, upon a level only with another in point of civilization, or perhaps below it proceed with bayonets to force upon it a government, confessedly bad, and prodigiously below the knowledge and civilization of the age, under the pretence of fears that such a nation will choose a worse government for itself, these nations, or their rulers, if the people have no voice in the matter, are guided by views of benefit to themselves, and despise the shame of trampling upon the first principles of humanity and justice. In paying the homage which he counted due to the will of a nation of Mahrattas, the Marquess Wellesley was not making a sacrifice of interests, which he held in low esteem. In his address to the home authorities, dated the 24th of December, 1802, he declared his conviction, that ‘ those defensive engagements’ which he was desirous of ‘ concluding with the Mahratta states, were essential to the complete consolidation of the British empire in India, and to the future tranquillity of Hindostan.’ Yet the complete consolidation of the British empire in India, and the future tranquillity of Hindostan, which could never exist till a sufficient bridle was put in the mouth of the Mahratta power, he thought it his duty to sacrifice, or to leave to the care of unforeseen events, rather than violate the freedom of will, in this important concern, of the people of one of the Mahratta states.”

I apply that rule to the case of Cabul: who shall say that Dost Mahommed was not the chosen of the people? Shah Soojah attempted many times to gain power, and was as many times defeated: in a country like that, defeat was the proof of public opinion. The people rose in arms against Shah Soojah; he was driven away on account of his insufficiency—his voluptuousness—his cruelty. I can quote the character of Dost Mahommed in the words of Sir Alexander Burnes: we are told by him that Dost Mahommed was the most efficient and excellent ruler the people of that part of the world have perhaps ever had; he was the friend of all the good men of the country; in short, he sought the happiness and welfare of his people, and by his people, in return, he was beloved. I will not do more than read a few sentences:—

“ The justice of the chief,” said Alexander Burnes, “ affords a constant theme of praise to all classes: the peasant rejoices at the absence of tyranny; the citizen at the safety of his home and the strict municipal regulations regarding weights and measures; the merchant at the equity of the decisions and the protection of his property, and the soldiers at the regular manner in which their arrears are discharged. A man in power can have no higher praise. Dost Mahommed Khan has not attained his fortieth year; his mother was a Persian, and he has been trained up with people of that nation, which has sharpened his understanding, and given him advantages over all his brothers. One is struck with the intelligence, knowledge, and curiosity which he displays, as well as his accomplished manners and address. He is doubtless the most powerful chief in Affghanistan, and may yet raise himself by his abilities to a much greater rank in his native country.”

Against that man, so having obtained power, and so governing the country, we set Shah Soojah, who had been driven from power, and who, according to the universal opinion of his countrymen, was undeserving of it: him we thought it right to thrust down the throats of the people, notwithstanding he had been rejected, and was resisted by the utmost efforts of the people. We were not content with placing him on the throne, but we furnished him with a proclamation which is a falsehood. It stated that Shah Soojah was attended by his troops. Is not that as gross a falsehood as was ever penned by a diplomatist, a foul stain and a blot upon the honour of our country? I am here to accuse, and I care not, in the discharge of my duty, to whom it may be painful. For the ruler of a kingdom to set his hand to a falsehood deserved the highest censure. I say it in the character of a British representative, and I care not for the consequences, whatever they may be, either in this House or out of it. As the war was foolishly conceived, so was it foolishly executed. We attempted to punish the poor and weak people at our feet—we thought it worthy of us to oppress them for the fault, if fault it were, of others. Such, Sir, are my grounds for impeaching the honesty of this proceeding. I say it was an unjust war, if ever there were an unjust war, in every sense that a war can be called unjust. It was a war against an unoffending people. It was undertaken not for the purpose of resenting any wrong we had suffered—it was undertaken not for the purpose of redressing any injured right. It was undertaken on a pretence. What was that pretence? The danger which might result from the siege of Herat and the quarrel which had taken place between Dost Mahommed and Runjeet Sing. Now, Peshawur had been part of Affghanistan; it had been wrested from the Affghans unjustly by Runjeet Sing; the people said that it was a portion of Affghanistan, and they desired an attempt to be made to restore it; they thought that one word from an old ally would put it right. But, besides this pretence, the Government put forward the danger of a Russian occupation of Herat. On the 1st of October, 1838, was issued that famous proclamation of Lord Auckland, stating that the siege of Herat was the cause of the war. Before a single regiment of the army he had collected had started on its march, the siege of Herat was raised. The danger was gone. Why did not the Governor-general, then, apply to the Government at home to know whether the war should be continued? Having cut from underneath his feet the excuse of the danger from Russia, where did a pretext remain? There was none. It was gone. But "Oh!" said the Governor-general, "I have taken great pains; I have collected a great army together, and I must do something with it." Now, Sir, I really believe that Lord Auckland, for no other reason, marched his army against an unoffending, a weak, and a defenceless enemy. So much for the honour and the honesty of the war. Now, then, Sir, for its policy; and if I can find fault with its honesty, God knows that there was fault enough in its policy. I have now had some years' experience of men, and the result of that experience has been that I have ceased to wonder at the dishonesty of mankind; but, Sir, I have still maintained a consistent admiration for their folly. What was the danger to be guarded against? It was the anticipation of an invasion from Russia. I assume that was the danger, as I find it so often referred to in the papers. I hope the House will not ask me to prove it. How was that danger to be avoided? The danger expected was from Russia, through Persia. It was feared that Russia would take possession of Herat, that from Herat they would then take Affghanistan, and thence advance by the Western Indus to our Indian possessions. What means did we propose to take to guard against the danger from Russia? In the first place, we proposed to make an ally to the west of the Indus, to interpose between ourselves and the advancing power of Russia; and secondly, we desired, by establishing friendly relations with the nations on the Indus, and with the people of Affghanistan, to acquire the means of making that vast river a highway for our commerce over the whole of that part into the heart of Central Asia; and for that purpose we knocked down Dost Mahommed, and we set up Shah Soojah. It appeared, then, that the first subject for inquiry should be, was there danger from Russia? If it were so, was the gaining an ally to the west of the Indus the most effectual means of warding off that danger?—and if the proper means of warding off this danger were to procure such an ally, was the surest mode of obtaining that ally by putting down Dost Mahommed and putting up Shah Soojah? I am prepared to say that there was no danger to be apprehended from Russia; that if there were manifest danger, that it was not the best way of warding off the danger by gaining an ally to the west of the Indus; and that even if such an ally were desirable, we took the most effectual means of preventing him from being found in Affghanistan. Russia! Danger from Russia! Had it ever occurred in history that such a country could be dangerous to India? The nearest point of Russia to our possessions in India were the shores of the Caspian; an army advancing from Russia would have to pass mountains covered with snow — to advance through dangerous and difficult passes; they would have to move through opposing nations ere they could reach the country west of the Indus. Do hon. Members believe that they could accomplish this? The truth is, that noble Lords and right hon. Gentlemen have made a mistake in their geography. They have been studying Arian, and they have heard of the victories of Alexander; no doubt they have been reading Eastern tales and the conquests of Akhbar. There is no doubt that, at this day, a Russian army could not come from the shores of the Caspian to the banks of the Indus. Alexander, I allow, was one of those birds of war who were a sort of divination of its power; he had an army the best accoutered and the most warlike in the world. But when Alexander or the Mahomedans came to India, what did they find? Did they find the British Government, the most efficient Government in the world, the most civilized, the richest? How different is the present condition of India from that which it exhibited at any one of the periods of which I have spoken. Alexander, the first of these great conquerers, possessed first a most marvellous genius for war; he commanded the most efficient army then in existence, and he found the greater part of Asia, all extending from the Black Sea, and the Caspian, down to the Gulph of Persia, and, even to the Oxus, and, I believe, in some shape, to the Sutlej, under the dominion of the Persian monarch. Conquering him, he had comparatively little difficulty afterwards in gathering up the broken fragments of the Persian empire, whose monarch he had slain, and whose armies he had subdued, and his great expeditions to the East seem to have had this for their object. And even he was obliged to forego his schemes of conquest and when India itself was before him, to retire and abandon the object most dear to his wishes. The Mahommedan conquerers of India found India an easy prey. Wealthy, voluptuous, effeminate, and divided, the Hindoo was unable to cope with the hardy bands which those conquerors commanded, and comparatively very little effort was required to establish a conquering dynasty in the midst of this almost unresisting multitude. It is usually supposed that we are to be silenced by the argument, that India now is not what the Mahomedans found it; and it is the fashion to say, with an air of triumph, when speaking of the unstable tenure by which we hold empire in India, that ours is an empire of opinion, and therefore any hour may see the downfall of our dominion. True it is, our empire is one of opinion; and the same assertion may be made of every other government under the sun. The Government of this country, the Government of the United States of America, are both pre-eminently founded on opinion—the opinion held by the vast majority of the people. True it is, that substantially the existence of the government is for their manifest advantage—so of India. It is said, however, that the opinion meant is not one of affection, but fear, arising from a belief that we are invincible, and that opposition to our power would be useless or hopeless. Let us once be conquered, it is asserted, and those who now yield us a ready obedience would fall from us and side with the conqueror. This, in the sense commonly intended, I do not believe; for our Government in India is the best that India has ever known. It has now existed many years in quiet and peaceful possession of that magnificent country, and its many millions of industrious and happy people love our rule, even as much as they respect our power. Depend upon it India will not fall away from us from any inherent weakness of our own Government. If any one is destined to tear it from us by conquest, it must be because that conquerer will bring against us an army more numerous, better disciplined, more skilful, and braver than our own—and such an army I must own, I do not think will come from Russia for any purpose; and certainly I do not believe that such an army will ever penetrate from the shores of the Caspian, march over the arid and burning deserts, cross the mighty rivers, scale the lofty mountains, and conquer the hostile tribes that lie between the Caspian and the Sutlej. I do not expect to see them arraying themselves on its south-eastern bank, unfurling their banners to be fanned by an Indian breeze, sweep over the plains of our empire, driving our armies before them in defeat, and at length place their banners in victory on the subjugated towns of Delhi and Calcutta. Sir, I laugh at such a chimera. I believe England to be strong in justice. If she does but justice to India, she will be so strong in virtue that she need not fear any Russian potentate. But if there be danger from Russia, is Russia to be met on the banks of the Indus? I should have thought that the school-boy knowledge of noble Lords and of right hon. Gentlemen would have taught them better. They know that Hannibal attacked Rome by entering the Roman states; he did not meet her at Carthage: so ought it to be with us, if Russia is to be fought; she is to be met on the Black Sea, and in the Baltic, not on the Indus. The moment we should receive definite information of the movements of Russia—not such information as was pressed upon the noble Lord—not that kind of flying information of which so much has been supplied to the noble Lord, on which to exercise his mischievous activities—but that kind of authentic statement which is susceptible of negociation. The moment} it should be clear that Russia contemplated an aggressive policy, that moment let England declare war against her. Do not attack her at Herat and at Cabul, but on her own shores. Then would appear the dreaded Czar as he appeared when he was compelled to fall away from Napoleon and his Milan decrees. Russia dares not go to war with England, for within a single month the fleets of England would sweep from the Baltic, the Mediterranean, and the Black Sea, every ship that she possessed and every rag of a Russian sail. That is the way to fight Russia. It was said that Captain Vicovitch appeared at Cabul: but did not Sir Alexander Burnes also appear at Cabul? But then he went in disguise, and Captain Vicovitch appeared openly. In short, we were said to fear Russia, whilst Russia did not fear us. Russia had braver and better diplomatists than the noble Lord. There was no need, however, of fear; the English are a shrewd practical people, and what Franklin said of them was right, "they deceive every body with telling the truth." Although Count Nesselrode missed the truth, I think that I have found it. I fancy that I can see the cause of the war in these papers. It arose from the mischievous spirit of meddling, which besets the noble Lord. He sent out persons to procure information; they knew his habits and his mischievous industry, so they groped about, and got together, and sent to the noble Lord all the rubbish they could find, and out of that the noble Lord produced his wonderful despatches. When, Sir, I read this book, I actually blushed to find it so clear that the Russian despot had all the right on his side, and that all the folly was on ours. But supposing for an instace, that there was danger; a force was sent from Bombay for the purpose of threatening Persia on our part. We told her that the moment she quarrelled with us, we would touch her in a vital part—that we would not strike off her hand, or her right arm, but that we would aim straight at the heart. The Shah knew that if we did so, in less than three weeks he would be an outcast, and a wanderer on the face of the earth. He raised the siege of Herat. That is the course we ought always to adopt; we ought to attack directly the party with whom we are quarrelling; we ought not to attack Russia through the side of the unfortunate Dost Mahommed. But supposing it were necessary to resist the approach of Russia, was it the wisest plan of doing so to raise up an ally on the west side of the Indus? If we are to act as we have done in this case in utter disregard of all international law, and of all honour, why was not our empire in India pushed to the eastern bank of the Indus?—why did we not take possession of the Punjab? I see the noble Lord taking a note of this. I do not say that this course would be honourable, but we have done things quite as dishonourable and much more foolish. Runjeet Sing is dead, and every one who knows anything of the government of India, knows that we must be called in to settle the disputes as to this succession. We shall do as we have always hitherto done. The temptation will be too great for our virtue. If we take that course it may be a wise proceeding, but it will be the better and the wiser, because the more honourable course to keep away, with the Sutlej defending us from the Punjaub, and the Punjaub with its five rivers defending us from Affghanistan, and Affghanistan defending us from Central Asia, over which it is impossible for a moment to think that a hostile army can pass. Then as to the necessity of deposing Dost Mahommed, and becoming friends with Runjeet Sing, and the supposition that we should then find a barrier in the country west of the Indus—am I speaking without authority when I say it was idle? Lord Auckland is my authority. On the very first reverse what course did that noble Lord take? He ordered the withdrawal of the army from Affghanistan. He did not remain at Cabul, he made the Affghans our enemies—he made them, if possible, the friends of Russia, ready to listen to her agents if they should say,

> "The English have committed all the atrocities in their power, they have burnt your cities and killed your men, take us as your avengers and we will protect you."

I have heard a great deal of exclamation against the atrocities committed on the English army by Akhbar Khan. Why, Sir, Akhbar Khan is but the Wallace of Cabul. Akhbar Khan behaved with the greatest attention to our countrymen who were his prisoners. What was he told? I blush for the English name when I say he was told that his wife and children who were in the hands of the British, might be either sent to Calcutta or to England, and that there were no means of bringing them up here as Mahomedans. It was enough to break the heart of Akhbar Khan as an honest Mahomedan. Akhbar Khan took advantage of the rising of the population—whether he slew the English Envoy or not I do not know, and, when we pay so little attention to national law, can we expect him to abide by it? We broke the law of religion and of good morals, and could we think that he would adhere to it? How did he behave to our helpless women? and how did we act towards that brave, though mistaken chief—I say brave, and I do not say mistaken prince? After what they knew when the siege of Herat was raised, why was the war rushed into? As time was given, why was not an appeal made to this country, and to the House, to know whether the war should or should not be undertaken? There was no pressing danger, the ground on which it was assumed was gone, the war was uncalled for, and required vindication on the part of those who have incurred the responsibility. I ask when they were called upon formerly to vindicate themselves, why the charge was garbled? The charge is grave which I now bring. I hold in my hand a part of the proofs, and I can bring all the rest. Sir Alexander Burnes' papers show that his authority was wholly distorted in these papers; that was brought as an evidence for, which was in truth an evidence against the war. The evidence was garbled in a way which, if it were practised, before twelve men sitting upon the jury, would cover with shame and confusion those who had garbled it. Not content with making extracts, sentences were altered. I have here the evidence, and what Sir Alexander Burnes himself declared upon that occasion. Sir Alexander Burnes received the Parliamentary Papers, these precious documents, the mere garbled fragments, on the 25th August, 1839 and he said:—

"Who can now doubt that the case of Russian intrigue is made out? The case of ejecting Dost Mahommed may not be so clear. Strange to say, all my implorations for the Government to act in Cabul are so put forth as if that I wished them to do as they have done. Now, I totally disapprove of the Punjaub policy and Runjeet's death, without our getting a slice of it (the Punjaub?) shows why I did so."

On the 6th of February, 1839, he said that the exposition of the Governor-general's views in the Parliamentary papers was pure trickery; he acquitted Lord Auckland of the fraud, and he was sometimes charitable enough to acquit the other authorities, presuming that they had not read the papers; but he added,

"All my implorations to the Government to act with promptitude and decision, had reference to doing something when Dost Mahommed was king. All this they have made to appear in support of Shah Soojah being set up."

I now lay down the grounds for inquiry; and I will prove what I have stated if hon. Gentlemen will give me the opportunity. I call for the publication of Sir Alexander Burnes's papers as they were really sent to the Foreign Office. I will give the House one or two specimens. In the letter of Captain Burnes to Mr. M'Naghten, dated from Cabul, January 26, 1838, the paragraph, as printed, left out entirely the fact that the Governor of India had sent instructions. I will first read the letter as written by Sir Alexander Burnes, and then the letter as printed. The letter began—

"Sir, I have now the honour to acknowledge the receipt of your letters of the 25th of November and 2d of December last, which reached me about the same time, conveyed the views of the right hon. the Governor-general regarding the overtures made by Dost Mahommed Khan for adjusting the differences with the Sheiks."

The garbled extract began—

"Sir, regarding the overtures made by Dost Mahommed Khan for adjusting his differences;"

Thus leaving out the whole part stating that the instructions had been sent by the Indian Government. What would be said of the author of such a transaction in a court of justice? If papers thus garbled were laid before a jury, do you not know what would be the verdict? I do. Again, in paragraph 6, one-half the paragraph alone was printed: the other half is left out. The sequence is made to apply to the printed passages. Sir Alexander Burnes had some inkling of what would take place. His papers were sealed up, and they were given into the hands of a confidential friend, lest his character should be ill dealt with by the noble Lord; and although I do not credit all his divinations, I cannot say that he was wrong in that. Shortly after the commencement of the war, a noble and most distinguished Lord, who had long ruled over British India—I need hardly say that I allude to the Marquess of Wellesley—communicated his views to the then Government; not only that, but having failed to keep a copy, the noble Lord sent to the Foreign Office, requesting a copy. The answer was, that Lord Wellesley's letter had been mislaid, and, therefore, that he could have no copy. I wish, Sir, to see that letter produced, and I will move for it. No doubt a letter was sent to the noble Lord thanking him for the letter; and possibly in the process of time the letter itself, which was mislaid then, may be forthcoming upon the order of the House of Commons. I therefore say, that all these things have been done contrary to the best authorities. I will show that this war was undertaken in the face of the strongest authorities. I have shown that it was opposed to justice and humanity, as it was opposed to common policy. It was undertaken in consequence of that restless desire which took possession of the vain rulers of this country, who, in exercising those desires, have acted most detrimentally to the interests of this country as well as of India. I, therefore, say that I have laid the grounds for my present motion. I only ask for inquiry, and I say, that under these circumstances, the inquiry must be granted, if hon. Members believe that there is any doubt hanging on the question. If hon. Members will say that there is no doubt—if they see clearly that there was an invincible necessity in the then Government to undertake the war—if there was not a shadow of doubt fleeting across their minds as to the character of this proceeding then, my motion will be negatived; but if any man says that he has a doubt—if he thinks that the war was unwise and unjust, or if he deems the present evidence insufficient to determine its character, then he will vote for this motion in favour of further inquiry. For myself, Sir, I believe that a grave rebuke ought to be visited on the heads of those who have instigated this war; but I do not ask you by your vote to express any such opinion, I only ask you by this motion to have everything fairly explained. For if their case be strong, their innocence will at once be made manifest. But if they refuse—if they have no confidence in their own case, I then ask, and I appeal to that bench, to vindicate the honour of their country, and in the name of insulted humanity—in the name of our country, disgraced through all the kingdoms of the world—I implore you, as the guardians of peace and good will amongst mankind to inquire into these charges, and to reprobate, if reprobation be necessary, those who shall venture to break those rules of pure and exalted humanity which ought ever to be the guide of this country. The hon. Member concluded by submitting his motion to the House.

Mr. *Hume* rose to second the motion, because he thought that what had just been stated should be proved, and the matter made clear; because it was in the power of the House to claim that all the documents should be laid before it, to show the real grounds of the war, and also because when information was asked by the House, although he was willing to give a discretion to public officers as to what could not be produced without detriment to the public service, yet he did not believe that this discretion ought to go to the suppression of all the arguments on one side of a question, and the publication of all those on the other side. He would second this motion, if on no other ground, because when the documents were formerly laid before the House, they were so garbled, that out of twenty-one paragraphs in a single despatch, only three were given. The whole of the documents could now be furnished, and he trusted that the House would afford an opportunity for their production.

Lord *John Russell* said, after a short pause, I delayed rising to address the House immediately on the question being put, because I thought that it was probable that some hon. Member would be disposed to follow the hon. and learned Member for Bath, in his accusations of the late Government. As no one has done so, I will venture to make some observations on the course which has been taken, and also on the motion which has been made; and first of all, as to the time which the hon. and learned Member has chosen to discuss this question. This is, as the hon. and learned Member says, an accusation against the late Government—against all the Members composing that Government—against every person, concerned in the Government of this country, on account of a war announced in 1838, undertaken in 1839, and which had been repeatedly brought under the notice of this House. In the year 1839 the subject was mentioned in general terms in the Queen's Speech; papers were soon afterwards produced, and a right hon. Gentleman on the opposition benches, now a member of the Cabinet (Sir James Graham) gave a notice of a motion upon the question. That was afterwards withdrawn, and the question was not brought forward for the consideration of the House. In 1840 thanks were voted to the Governor-general for his general preparations for the expedition, and also to the officers and soldiers engaged in that expedition. In 1841 some question was again raised upon the subject, in reference to a bill which was brought before the House to settle an annuity on Lord Keane. In 1842, which was a very late period, considering the importance of the subject, and considering also that papers had been long before laid before the House, an hon. Member brought the question under consideration, and asked for more papers, to enable the House to form a correct judgment on the whole matter. This motion led to debate. My right hon. Friend the Member for Nottingham (Sir John Hobhouse), who had been President of the Board of Control, and who, responsible as he is, as well as every other Member of the late Ministry, having had peculiar charge of this department, stated what he considered to be the case of the Government to which he had belonged—together with that of Lord Auckland, the late Governor-general of India, and he went at length into the whole subject. Further debate ensued, and the conclusion was, that only nine Members voted for the production of those papers. I am not aware that the hon. and learned Member took part in that debate, or that he felt so much the injustice, the impolicy, the crime of that war, which he now, in 1843, thinks it his duty to bring before the House. It is to be regretted that my right hon. Friend, Sir John Hobhouse, having on that occasion made this statement, and the result of the motion having been such as I have described, is not now present in this House. My right hon. Friend, I think, was justified in supposing that after such a debate as before took place, and after such a division, it would not be necessary for him to be present on this occasion to enter again upon this discussion. The course taken is not consistent with ordinary Parliamentary proceedings, and I think that the whole form and substance of the motion is unusual. The hon. Member for Bath states, that on the subject of India, Mr. Burke moved for a secret committee, and that Mr. Dundas made a similar motion. That was at a time, however, far different from the present; because, then, if orders were sent out to India, a full year elapsed before the Government had any intelligence in answer. Wars were undertaken, and enterprizes were carried to their termination, before this House was in possession of any of the circumstances which had occurred, and the details could only be brought out on an inquiry before a secret committee. The question is altogether altered now. This war was undertaken four years ago—its circumstances and causes are known to Parliament and the country, and papers upon the subject have been long since produced. The hon. Gentleman, I say, then, brings forward a most unusual motion. The motion of which the right hon. Baronet, who is now the Secretary for the Home Department, gave notice was a motion of a usual character, and supposing the right hon. Baronet to have persisted in entertaining the opinions which led to his placing notice of that motion on the paper, his conduct in bringing it forward would have been strictly in accordance with Parliamentary usages. In that case the war would have been denounced while those who sanctioned it were in power to defend it. But if Parliament should allow such proceedings to go on for a period of four years, and should then grant a committee of inquiry into the circumstances of that war, I must say that the proceedings would be without precedent in my experience of parliamentary transactions. How strange would it have been for those who were opposed to the great American war, instead of stating their objections to that war in this House, while the war was being carried on, to have reserved their objections until the war was concluded. The same observation will apply to the French war. Mr. Fox stated his objections to that war during the time it was going on, and this was a fair, and frank, and honest proceeding. But to bring forward at this noment, under cover of the great military calamities which have occurred, and which have produced a most serious impression on this House and the country, I say to bring forward, under cover of that impression, a motion for a Select Committee, is to adopt a course, I must say, more unfair to the men who have had the public responsibility cast upon them than any cousre that ever was resorted to by any opposition. The hon. and learned Member was lavish of his hard terms towards those who had the conduct of these affairs,—and he has spoken of "the dishonesty," of "the falsehood," and of "the thorough villainy of these proceedings,"—terms, certainly, not very usual, and I must say, not very fitting to be applied either to Lord Auckland or my right hon. Friend Sir J. Hobhouse, to my noble Friend who sits near me (Viscount Palmerston), to Lord Melbourne, or to any of those who formed the late Government. But I must say, with respect to the hon. and learned Member's imputations, what a great man, a memoir of whose life has been lately written in a most agreeable manner by a noble Lord, a Member of this House—I mean the great Prince of Condé, once said with respect to some libels which were published against him. On looking at two or three of those libels which imimputed to him low and grovelling motives—

> "These libellers impute to us (he said) exactly that sort of motive by which, if they were placed in the situations in which we stand, they would be themselves actuated."

I feel this observation to be most just, and I have never felt the full force and justice of the remark until now, when I hear these imputations falling from the lips of the hon. and learned Member. The hon. and learned Member has one ground, indeed, for the course which he has taken, to which he alluded at the beginning and towards the close of his speech—a ground which if it were justified, will certainly afford some reason, not perhaps for this proceeding, but certainly for some proceeding on the part of this House on the subject. The hon. and learned Member says, that these papers have been garbled—that the papers of Sir Alexander Burnes were garbled so as to produce a false impression with regard to the nature of their contents. Now, the hon. and learned Member has not favoured us with any proof of this charge. He read one passage, indeed, which seemed to be about as immaterial a passage as is contained in any part of the public papers—a passage, some words at the commencement of which were omitted, which did not seem to me to be of any very great importance. Sir Alexander Burnes, as we know, and as my right hon. Friend Sir John Hobhouse stated in this House, was of opinion that Dost Mahommed should be supported by the Governor-general of India, and not Shah Soojah. My right hon. Friend stated at the same time, that he, in making a selection of the papers to be produced, had chosen three papers, which were sufficient to show the opinion of Sir Alexander Burnes. It was of the greatest importance to that officer perhaps, that his opinions should be thoroughly and fully developed; and I can understand the feelings which would impel him to desire that his opinions, together with grounds and arguments on which those opinions were founded, should be placed on the Table of the House of Commons. But I cannot think, deserving as that officer was, that it is necessary that Parliament should form its judgment of the whole grounds and reasonings of any officer employed in his country's service. I believe that so far from such a course, should it be adopted, doing any good, it would produce nothing but confusion. It is not denied that the opinion of Sir A. Burnes was at first in favour of Dost Mahommed; and knowing that such was his opinion, the House could always see that the Government acted in opposition to that opinion in the early parts of this transaction. That there was no unfair garbling of these papers—that the head of the Board of Control had only exercised a power of selection fairly and prudently, was testified not only by those who acted with him, but by Lord Fitzgerald. I do not know whether, amongst hon. Gentlemen opposite, a different opinion was formed; but if they are of opinion that these papers were unfairly garbled, I say, let the whole of them be produced—let the House judge of the whole case; but if they are not of opinion that such garbling has taken place, if they agree with Lord Fitzgerald, let them express that concurrence. The hon. and learned Gentleman has gone very much into the question of the condition of Cabul and of the Affghan sovereigns who have feigned in the succession to that territory. The views of Lord Auckland did not depend on that succession, but on the question of any aggression upon our Indian empire. The hon. and learned Member said, that a war apparently of aggression might in reality prove to be a war of defence. It was with a view to the defence of our Indian empire, that Lord Auckland ordered the expedition to proceed against Affghanistan. The hon. Gentleman says, that the Governor-general of India—that all those officers who gave him information—that the Envoy of her Majesty in

Persia—that the Secretary of State for Foreign Affairs, and that the late Government to which I belonged, were all acting under a hallucination, and that he alone, the hon. Member for Bath, is able to dispel that hallucination, and to discover the grievous errors which were committed. With great respect for the discernment and acuteness of the hon. Gentleman, I must continue in my former opinion, that Lord Auckland, with the assistance which he received of highly intelligent and well informed men placed under him, both in a civil and military capacity, was not only as well, but far better able to judge of the reality of the danger to be expected than the hon. and learned Member, speaking in the year 1843, when the danger which Lord Auckland had feared had been dispelled. The question of the advances of Persia to Affghanistan, and to the frontiers of India, was not a new one to persons who have observed the interests of our great empire. There was a gentleman, Sir John Macdonald, in Persia more than twelve years ago, who then wrote a memorandum, decrying what was even then apprehended as an approaching danger—he meant a Russian invasion. At the end of that memorandum he referred to the dangers which he thought likely to accrue, and which I will take the liberty of reading to this House. It was a general speculation on his part, not containing any facts or any precise information, and which, therefore, there can be no danger in disclosing:—

"Dated 11th March, 1830.—For my own part, I firmly believe that we have little to dread from the machinations of Russia, until such time as the dissolution of the existing government, by the death of the present king, may enable her, in upholding the pretensions of the Abbas Mirza, or any other competitor for the throne, it matters not whom, to acquire a permanent influence in the councils of Persia, when by skilfully applying the resources of that kingdom to the promotion of her own views, she might gradually and imperceptibly approach us without any avowed demonstration of hostility. The new king placed on the throne, and supported there through her means, eager to reduce the rebels of Khorassan, might yield a cheerful acquiescence to any proposition tending to facilitate the fulfilment of an object anxiously desired. Under the mantle of his authority, therefore, and in conjunction with his troops, led and disciplined by Russian officers, district after district, and town after town could be gradually subdued, until, by a systematic progressive organization of their conquests, they were at length able to reach Herat, Candahar, and Cabul, the keys of Hindostan, where their presence must henceforward become a constant object of attention, and a just cause of alarm."

That is the recorded opinion of Sir J. Macdonald. The subject was afterwards observed upon by Sir J. Malcolm, who stated his opinion that the only danger would be, that by too much caution and reserve, England would allow the policy of Russia to be carried so far, that the Russian government might be so placed as that it might be found impossible for her to retreat. Such are the declared opinions of two able and prudent men, formerly in the service of the company. The events of the last few years have justified their foresight. In the course of the last few years the king of Persia, not restrained by the cautious policy which the weakness of Persia should have induced him to follow, began a plan of aggression, commencing with Herat, and which was afterwards to extend to Affghanistan. The question was, in what manner those aggressions affected us. Lord Auckland was at first disposed to view it as a matter to call for serious attention, but not to require the movement of any armed force on the part of England. He stated more than once, in his minutes and his despatches, his views of this question, and at length he disclosed his opinions as to the manner in which an advance should be made. On the 12th of May, 1838, he wrote—

"To proceed now to the consideration of our future policy, and the different results which may attend an attack on Herat, I would first remark, that since the transmission of my despatches to the secret committee, in which I stated that it was not then my intention to offer opposition to the hostile advance of the Persians on Candahar and Cabul, circumstances have occurred which may materially alter my views. The Russian agents have put themselves forward in favouring the designs of Persia, and we cannot allow this to be done without some opposition on our part."

This letter, I think, showed that the first desire of Lord Auckland, intemperate and rash as he is said to have been, was not to interfere at all. It was the opinion of Sir Alexander Burnes that the dangers which are described were best to be met by cultivating the friendly disposition of Dost Mahommed, and by indulging him in the requests and demands which he made. Lord Auckland had to consider what those requests were. Now the request of Dost Mahommed was, that Peshawur should be put into his hands. Peshawur, which was no more a part of his dominions than any part of Persia or England. I will show to the House in the first place, by a letter of his own, that I am not stating that which is visionary, and which cannot fairly be attributed to him. In a letter to Captain Burnes on the 23rd April, 1838, he distinctly declared Peshawur to be the object which he had in view. It is clear, then, that the aim of Dost Mahommed was, to obtain the delivery to him, by the British Government, of Peshawur. The question was, whether these being the terms on which we could gain the friendship of Dost Mahommed, with whom we had no political connexion, we were bound to accept them, when by doing so our connection with Runjeet Singh, with whom we were in alliance, would be dissolved. The hon. and learned Member declared his apprehension of unjust wars and of injustice; but he very coolly, at the same time, talked of taking possession of the territories of Runjeet Singh after his death. Now, I must say for Lord Auckland, that though it was repeatedly urged on him that a great acquisition of territory would be gained by taking possession of the Punjaub, he considered that the adoption of such a line of conduct would be inconsistent with justice to Runjeet Singh and his family, who had never done anything to provoke the enmity of the British Government—that the Government of India was not justified in adopting any measure of oppression towards that person; and Lord Auckland, consequently, refused to act otherwise than on terms of friendship and amity with him. Is this a man, then, I ask, who thus refuses to adopt unjust measures for the sake of acquiring territory, and of obtaining new conquests, who, having been guided by a line of policy based on such considerations as I have described, would be likely to enter upon an unjust war without provocation? Lord Auckland considered that it was impossible that he should make this sacrifice of Peshawur, and of good faith to Dost Mahommed. The consequence was, that Dost Mahommed immediately desired Captain Burnes to leave his territory; that all communication was at an end; and then he turned to listen to the advices of a Russian, sent to him by the Russian minister. The hon. and learned Member seems to think that the part which Russia took in this transaction is altogether imaginary. I think that he could not entertain that belief after reading a despatch from Count Nesselrode directed to my noble Friend (Viscount Palmerston) because in that despatch it is distinctly stated that, although the orders of the Russian government to their ambassador in Persia, did proceed upon a suggestion that it was better to prevent aggression, and to maintain peace, yet that the king of Persia having gone to Herat, the Russian minister had followed him there, and had taken part in conducting the siege, and in making terms, by which Herat was to be given over to the ruler of Candahar, and in making other arrangements with the government of Affghanistan. I think then that it must be admitted that this was no imaginary danger. I think that no man at all acquainted with the politics of India would say, that the fact of Affghanistan being about to be settled and ruled over by the influence and regulations of the Russian ambassador, who was carrying his influence from Candahar and Cabul to the banks of the Indus, (for the Ameers of Scinde were formerly considered subject to Persia),—I think no man would venture to say, that that circumstance could be a matter of indifference to the Government of India. But the fact was, that the whole of India was alarmed. There came to Lord Auckland representations from every quarter, from all the intelligent men who were in the Government or connected with the different districts in India, all expressing the alarm which they felt at these events. In stating this case last year, my right hon. Friend the Member for Nottingham read an extract of a letter addressed to him by Lord Auckland, dated August 23, 1838, stating—

> "The siege of Herat has much occupied the minds of the public in India, and our shrewdest and calmest observers, Skinner, Cubben, and Sutherland in Hansi, Mysore, and Gwalior, have concurred in describing the fever of restlessness as beyond everything which, for many years, they had witnessed."

This is a letter from General Cubbon, dated Bangalore, 28th of September, 1839, on this subject:—

> "It is well known that for some time previously to the commencement of that great enterprise which has been crowned by the capture of Ghuznee, and the occupation of Cabul,

a general impression prevailed throughout the south of India that the government was in imminent danger from enemies on the north-west frontier, and the successive rumours of foreign invasion were so artfully spread as to have considerably shaken the truest even of the comparatively well-informed in the stability of the British rule. Among the hostile powers named, the combination of which it was believed there was no possibility of resisting, Russia invariably held the most prominent place, sometimes in conjunction with France, but oftener with Turkey, Persia, and Cabul; while the belief was equally prevalent that the enemy was encouraged by a formidable internal confederacy, and that his arrival at the Indus would be the signal for a general rise, not only within the protected states but within our own provinces. To increase the difficulty, and seduce the well wishes of the British Government from their allegiance, a rumour was industriously propagated that all the possessions of the ancient dynasties would be restored to their descendants, and that the assessments on land would hereafter be reduced to one-tenth of the produce—in fact, that this was the express object of the invading army; and to this rumour, and others of a similar character, the Mysore territory was peculiarly exposed, by reason of the constant intercourse which was carried on between the Persian Gulf and the coast of Malabar. It would not be easy to devise a more effectual plan for encouraging the disaffected and reconciling the well-disposed to a revolution—in short, for combining the most influential and the most numerous classes of the population in opposition to the British Government, than the dissemination amongst an ignorant people of such rumours as these. Without speculating upon the consequences which might have followed from the continuance of such a state of things, of the effect actually produced in unsettling men's minds, it may be sufficient to observe, that the probability of an early change was everywhere the engrossing topic of conversation, and that whilst in one quarter of the south of India the merchants hesitated to embark in their usual commercial speculations, under the impression that the approaching downfall of the British Government would prevent their accomplishment, in another the inhabitants had actually commenced to bury their valuables."

I will now read an extract from an Indian newspaper, published in India at this time, showing the general impression which prevailed:—

"In case a formidable contest should ensue, the whole of the British force in India would amount to 50,000 souls, with a reinforcement of 60,000 from England, and 72 pieces of artillery. These might be serviceable in a pitched battle, but if enemies are to start from all sides and begin to attack every point, the story of the English will be short, and they must sell their lives as dear as they can. The conquest of the Heraties by the Persians, is indeed the conquest of the Punjaub and Hindoostan. A cloud has arisen from the west and surrounded the whole of India, and the lightning of the sword flashes in the air."

These were the sentiments published in India at this time—sentiments which were called for by circumstances which the hon. and learned Member, however, views as merely imaginary, as the hallucination of the brain. In those circumstances I find the apparent fulfilment of that which was predicted as being dangerous to India, the advance of a Persian army to Herat, an alliance between Persia and Affghanistan; and that these powers were supported and egged on by Russia, whose forces, it was said, were likely at the same time to advance to Khiva. In 1838 there was a proposition for the advance of such an army; and thus on every side to the west of the Indus, circumstances were arising to produce apprehensions of a most formidable nature. The House may ask, what would have been the consequence of taking no notice of these dangers, and of not interfering in any way? The consequence would have been, in my opinion, that step by step you would have found your enemies advancing until a hostile force would have boen collected on the shores of the Indus. The hon. and learned Member says, "Meet them between the Sutlej and the Indus with a formidable army;" but are you sure that if you had shown no resolution—that if you had turned a careless and inactive attention merely to these proceedings, when the time came to assume an offensive character, those whom you might then call upon would be found faithful? The ground of India is strewed with ruined thrones and broken sceptres, and there are men to be found always ready to seek for the revival of their lost power, and to resume the sway which their families formerly possessed. If your feelings for the preservation of your power in India last, but you fail to display the same spirit of boldness in encountering danger which you have formerly exhibited—if you are not as ready to meet peril now as you formerly were when our empire in India was created, then I say that that empire will be as quickly destroyed as it was erected, through the want of that spirit of enterprise and resolution which was employed in the establishment of your power. I know not that there is anything in history—so different are these circumstances from any which have arisen in the history of Europe—exactly resembling this transaction. But we know that when that great man, Frederick of Prussia became possessed of Silesia, hitherto under the dominion of the House of Austria, a great confederacy was formed to deprive him of it. Did he consider that the best policy was to wait at Berlin until he was attacked there? No; with that military and political genius which he possessed, he advanced to meet his enemies—to defeat their combinations, to destroy the armies advancing to unite in small bodies. England did not then say that she would interfere to force him to give back Silesia. England was then an ally of the House of Prussia, and I do not think that the policy of enterprise and vigour with which Frederick began the war was condemned by Lord Chatham. We heard a great deal last year of the opinion of the gallant general in command of the forces in India—we were told that Sir Henry Fane was altogether opposed to the expedition. I confess that I was surprised to hear that statement made, but I then possessed no means of contradicting it. Since that time Lord Auckland has returned to this country, and has shown me many private and confidential communications from Sir Henry Fane, all of which tend to show the very contrary of that which was asserted. In one of those letters, he says, that nothing will give him greater pleasure than to be put at the head of a large force and to go and relieve Herat, or to recapture it, if taken. In another, he expressed his concurrence in the views of Lord Auckland as to the necessity of a forward motion; and, although he did entertain some doubt as to the policy of adopting the cause of Dost Mahommed or Shah Soojah, he eventually came to a conclusion in accordance with that of the Governor-general. After the army had advanced 400 miles, indeed, he did express an opinion against the continued occupation of Affghanistan; but that, I take it, is a question altogether different from that of its original occupation. I do not wish to quote these letters, nor should I have alluded to them, but for the positive assertions which were made. But such are the sorts of rumours to which notoriety is given, upon the authority of persons who are not at all aware of the actual occurrences as they have taken place. It was there said by the hon. and learned Member, that even with a view to the present policy, there was nothing so foolish as to take up the case of Shah Soojah. I did not hear from him, though some passages were quoted which seemed to imply, that the Government was acting upon a principle altogether erroneous in taking up the case of one sovereign against another—that this was an interference with the affairs of nations which should not be permitted. If this doctrine is to be put forth, I must say that I believe it to be entirely opposed to the course of policy hitherto adopted, both in India and in Europe; for in both cases a principle has been acted upon which distinctly sanctions such interference. In one of the most remarkable instances of our taking part in the affairs of India was in a case wherein we deposed Tippoo Saib'ssons, where the Rajah we substituted for them was only ten years old, and where it was not very likely that he had had opportunities of becoming popular or well beloved. Again, we interfered to prevent the deposition of the Grand Mogul, and we took care to secure the throne of that prince in a way consonant to the supposed interests of our empire in India. If, again, you refer to the history of European nations, you will find repeated instances of such interference. There was a remarkable instance of this in connection with the revolution in this country. For a long series of years after that revolution Holland was engaged, by treaty, to send troops to this country, when called upon, during the reigns of King William, of Queen Anne, and of the earlier sovereigns of the House of Hanover. Again, under the family alliance, France was bound to afford assistance to the sovereigns of the Bourbon family on the throne of Spain. Again, England, in more recent times, interfered to uphold the interests of the reigning family in Spain against the members of the Bonaparte family. I say therefore, that it has often been a part of our policy to maintain the cause of one sovereign or another, both in the East and in Europe. In the present case, Lord Auckland received such information as induced him to take up the cause of Shah Soojah as the only safe means of proceeding into Affghanistan. He was told that if he proceeded into that country in any way, he would be regarded as an enemy by the whole nation, and would involve himself in the grestest difficulties. He was told by persons who had had repeated opportunities of becoming well informed as to the state of the country, that this was his only course. Mr. Masson, in a communication to Lord Auckland, dated the 8th of June, 1838, after discussing the views of Persia, the importance of Herat, and the design entertained by Persia, and adopted by the Barukzye family, of assisting Kamram, and the necessity of defeating these objects, says,—

"For these desirable ends no person appears so well adapted as Shah Soojah. He has already twice reigned, in his misfortunes has preserved the good will of his former subjects, and his wise omission of putting out the eyes of Shah Mahommed, the father of Kamram, when in his power, has left no serious breach between him and the latter ruler. In aiding the restoration of Shah Soojah, the British Government would consult the feelings of the Affghan natives, among whom his popularity is great, and who even wonder that the Government has not before done it. If he avowedly advanced under British auspices, his success would be prompt and certain; little or no blood would be shed; he would be joined by all who are discontented with the Barukzye rule—and who is there that is not discontented?"

Again, Sir Alexander Burnes, in a paper dated Nov. 24, 1838, directed to Lord Auckland, and dated Shikarpoor, says,

"Whatever is to be said on our past policy in Affghanistan, it is now clear that we are in the right way to rectify the evil which a reverse of thirty years has brought upon us; and confident of success, I feel perfectly satisfied that your Lordship's administration will become distinguished in Indian history as one in which our relations in the west were based on a secure footing."

In another communication this officer said:—

"As for Shah Soojah-ool-Moolk, the British Government have only to send him to Peshawur with an agent, and two of his own regiments as an honorary escort, and an avowal to the Affghans that we have taken up his cause, to ensure his being fixed for ever on his throne."

Such was the opinion of Sir Alexander Burnes, who previously had entertained such a strong opinion in favour of Dost Mahommed. Mr. Lord, also, a person of great intelligence, and well acquainted with that country, also informed Lord Auckland—

"I have never met a sentiment which may more properly be termed national and universal, than the desire of the Affghans for the return of Shah Soojah. They can seldom converse with an Englishman for five minutes without alluding to it."

Again, Major Todd, another most able person, well acquainted with that country, in a communication said—

"Dost Mahommed Khan is decidedly unpopular as an Affghan chief, and the people of Cabul would hail with delight the restoration of Shah Soojah. The notorious predilections of the Ameer for Persia, and his heavy and arbitrary impositions upon all classes of his people, have lost him the confidence and good will of nearly every Affghan in the country."

Such were the statements that Lord Auckland received from persons on the spot, as to the probable result of the course of policy pursued, and as to the relative popularity of Shah Soojah and Dost Mahommed in Affghanistan. I believe that the first reception of Shah Soojah was such as fully to justify a reliance being placed on these opinions, and I ask what else the Governor-general had to go by in his proceedings, but the testimony which he received from those who were sent to make civil and military observations in the country? If Lord Auckland had dissented from the various opinions expressed by these various persons, who all were on the spot, and had opportunities of forming an opinion, and had gone into Affghanistan as an enemy's country, he would justly have been liable to the censure of having despised the opinion of those well informed on the affairs of Affghanistan, and acted on his mere caprice. The hon. and learned Gentleman has said very little, although perhaps they had much to do with the present motion, respecting the military disasters which occurred in Affghanistan, and with respect to them I will only say, that whatever was the case, in other respects they were not the necessary result of the occupation of Affghanistan. It was not the necessary result of the occupation of Cabul—nor was it the result of the occupation of Jellalabad, that these military disasters occurred. I believe, that if matters had gone on for some time without any great insurrection taking place, or any disaster happening, that we should have left a peaceful country, and a powerful soveon the throne; and some hope might have been entertained for the peace of this unhappy country, instead of its being left in a state of anarchy, and ready to join any invader from the west, who was prepared to attack the Governor-general and our power in India. I was this morning looking at a note of Sir William N'Naghten to Lord Auckland on the subject of the occupation of the country. Lord Auckland made a minute in the spring of 1841 as to the difficulty of marching the troops in that country, and as to the time to be taken for the withdrawal of the army. Sir William M'Naghten, who at all events was a very able man, and had had great experience in those Eastern countries, and was master of the languages of many of those people, and who might, therefore, be supposed to be tolerably well able to judge of the future proceedings of this people, I must say, was greatly deceived in the views which he adopted as to the state of Affghanistan; but I do not know how Lord Auckland could do better than to rely upon the information and opinion of those best qualified, by experience of the country, as to what was likely to occur. Sir William M'Naghten, in his note to Lord Auckland, dated March 19, 1841, says—

> "Our prospects are, I think, most cheering, both as regards internal and external affairs. Between Cabul and Peshawur (the only portion of his territory to which the Shah has had leisure to pay much attention) perfect tranquillity prevails, and I believe, general content, civilization, and commerce, are both perceptibly and considerably increasing, and I do not entertain a doubt that the same results will speedily be manifested in the other parts of his Majesty's dominions."

Such was the opinion of this able person on the state of affairs in Affghanistan in the spring of 1841. I believe this communication raised a feeling very different from one of insecurity. But whatever that feeling was, the immediate object of the Governor-general and the Cabinet at home, in the orders that were given to advance from the Indus, was to drive off an imminent danger which threatened our empire in India. I will now venture to state what was the opinion of Lord Auckland on this communication of Sir William M'Naghten. Lord Auckland said, in reply to it,—

> "The repose of the public mind in India, from our command of the avenues by which the approach of invasion has been so hourly apprehended, is a benefit and a blessing of the greatest conceivable value."

I believe such a result had been produced in India. I before alluded to the state of feverish excitement and danger which General Cubben described to prevail in the Mysore in the year 1839, and the effect that must have been produced by it on the mind of the Governor-general. In that communication General Cubben says,—

> "It was the Governor-General's notification of the 1st of October, 1838, followed by the passage of the Indus, which first restored public confidence in the strength of the Government, and the memorable events which have since ensued, have completed the transition from a state of great excitement and agitation into one of general composure."

But this state of things has not, I believe, been materially changed. I have one more statement with respect to this point from an official person who was in the west of India, and who wrote thus after the disasters had occurred. The paper is dated the 28th of June, 1842, and is as follows:—

> "The feeling of the people towards us never could have been better, and from twenty years' experience, I can safely say, that it never was so good. I am more than ever satisfied, from all that I have seen in the last three years, that our operations beyond the Indus did more to give the people an impression of our power and resources than anything we could have done within it. The tranquillizing effects of that measure were at once felt throughout the length and breadth of this vast country, and all the misfortunes which have since overtaken us there, have had wonderfully little effect in disturbing that impression. With these exceptions, internal India never enjoyed greater repose, which, next to the sense which the people entertain of the benefits of our rule, may, I am persuaded, still be attributed to the impression made of our power by our advance to meet the supposed danger beyond the Indus, which we all know was at the time spreading a belief throughout the land, that a power greater than ours was coming to assail us. These opinions, which I now give to you privately, I believe that I have before in some shape or other written officially."

If such was the effect of our advancing beyond the Indus—if the danger was so great before our advance beyond that river and if a general fever prevailed in India, and if a feeling to throw off our power existed, and if that feeling has given way to a conviction that our power is the strongest, I should say that a great object was obtained by it. And although greater glory might have been acquired by waiting until the enemy was on the Indus, and when great armies assembled on that river had been engaged in contest, and after rivers of blood had been shed—although I say that the glory might be greater in such a contest in which, I believe, there would be little doubt of the result—still I prefer the vigour and foresight which prevented the war from being carried to such an extent. If it was believed that there was no such danger of such a contest—if there was no necessity for taking steps to avert this threatened attack—then it might be the duty of the House to enter into this inquiry. My own conviction is, that by the course taken by the Governor-general, and by the Government at home, a great danger to our empire in India has been averted, and, instead of a vote of accusation, which would be implied by assenting to this motion, and appointing a committee, that they should rather be thanked for the course they took to secure the repose of India. I consider that Lord Auckland was justified in the course that he took, having this danger in view; and it was sound policy and not rash ambition, that induced him to take the step that he did, rather than to wait for events. But when he is accused of being disposed, contrary to reason and justice to extend the territory of the empire over which he presided, it is worth while to notice the former course of his Government. I will now therefore proceed to state a few of the general heads of internal improvement in the Government of our Indian empire to which Lord Auckland applied himself, and notwithstanding all that the hon. and learned Gentleman has said as to Lord Auckland's disposition, I am prepared to show that he preferred advancing the peaceful interests of the country to engaging in warfare, and that he took delight in promoting the education of the people, in extending the trade of the country, and in advancing the welfare of the people he was called upon to govern. Such was his taste—such was his temper—and success in such pursuits gave him the greatest happiness that could be bestowed on him in his public employments. I have a great many instances of this before me in the course that Lord Auckland pursued in India. For instance, he exerted himself in abolishing the duties which embarrassed and injured communication between Bengal and Bombay, and the successful result of his exertions has been productive of the greatest benefit, and the trade between those places had increased within only this short time to between two and three millions a-year. Again, Lord Auckland exerted himself to advance the character, and the station, and the emoluments of the native judges. These native judges being judges of the first instance, Lord Auckland was anxious to increase their influence and character, and thus tend to give confidence to the native population in the administration of justice by their own people. He exerted himself also to promote the advance of native education. Lord William Bentinck took a very important view of this subject; and Lord Auckland, during the time that he was at the head of the Government of India, did all that he could to promote certain branches of knowledge amongst them, and thus to do away indirectly with some of those prejudices which were most serious impediments in the way of improvement. For instance, he took steps to promote the teaching of anatomy amongst the natives, which was formerly forbidden. ["Oh, Oh!"] Some Gentlemen seem disposed to sneer. They had heard Lord Auckland accused of plunging the country into bloody and unjust war. Now, I think nothing can be more important than to show that he was teaching those arts and disseminating those measures which were most opposed to a warlike spirit. Lord William Bentinck thought it a great object to remove some of those prejudices of the natives of India; and Lord Auckland, fully appreciating the importance of this, followed in his footsteps. With respect to the land revenue of India, it often happened that great oppression existed; but such a change was adopted as to introduce a considerable degree of moderation and simplicity in the collection: and the effect has been that the revenue has been increased, and the collection has been made more just and impartial. I may excite the ridicule, again, of some hon. Gentlemen opposite when I state that Lord Auckland established provincial dispensaries under the care of native practitioners, where the people can get medicine and advice at a cheap rate. This may excite the ridicule of some, but, in my mind, such institutions confer direct and disinterested benefit on the people of India, and manifest the presence and care of a humane and benevolent government. It may also excite ridicule when I say that my Lord Auckland, following the instructions and wishes of the British Parliament, adopted important measures for the purpose of mitigating slavery in India; and while at the same time he abstained from shocking native customs, and exciting ferments which might check the object he had in view, he recommended a course which has been adopted by the Home Government, with the view to the complete abolition of slavery in India. Lord Auckland likewise took measures for the improvement of the police of India, and for putting an effectual stop to the gangs of Thugs and robbers and predatory bands which formerly wandered about the country; and his measures had been followed by the greatest success. These were various details, but taken altogether, they were important steps for the improvement of India—they tended to make the people contented, and they tended to show the people of India that the Government which ruled over them was occupied in measures for their benefit. These were the favourite pursuits of Lord Auckland; and only when he considered the safety of the empire over which he ruled was in peril, he adopted a warlike policy, and undertook an expedition, which there can be no doubt that he was fully aware must be attended with some of the calamities of war. I have not gone into a lengthened examination of the papers which have been laid on the Table, explanatory of the proceedings it was deemed necessary to take in that country; but I have, I think, said enough to justify the then Government in the course which it took; but if the present Government wish that further papers should be laid before Parliament on the subject, I shall have no objection. And this brings to my recollection what was stated last year by the right hon. Gentleman opposite with respect to our differences with Russia, and pointing out the great danger which formerly threatened from a rupture of our alliance with that power. The hon. and learned Gentleman, the friend of peace now said, why not at once attack the Russians in the Baltic? This, be it recollected, was from the friend of peace. The hon. and learned Gentleman said, that if there was any cause of dispute, attack Russia. Why, Sir, to that argument I reply, that war would be a very great calamity to this country. The case was this: that, in consequence of the acts of Russian agents in the neighbouring states to our possessions in the East, we were obliged to take steps to repel an advance dangerous to the safety of our empire in India. Russia disavowed the acts of those agents, and withdrew from all interference in the affairs of those countries, and the result, I am happy to say, has been satisfactory to the security of our empire in India, and to the preservation of peace between this country and Russia. I do not wish to extend the calamities of war, and I am sure that, after what then occurred, no true friend of peace will say that we should then have gone to war. The hon. and learned Gentleman, echoing the assertions of certain parties out of doors, although he said that he did not go to so great an extent as some did, brought the most serious accusations against my noble Friend the late Secretary for Foreign Affairs, although he kindly said, that he acquitted his noble Friend of being a party to the treasonable transactions of which he had been accused —of taking pay from foreign countries, and of sacrificing the interest of England to them. The hon. and learned Gentleman charged my noble Friend with meddling in such a way with foreign countries as to prove fatal to the preservation of peace. I entirely deny the accusation. I admit that my noble Friend was not ready to give up the rights of England. I cannot aver that my noble Friend was ever forward to abandon any essential interest of England. I cannot indeed affirm that my noble Friend was ever in a hurry to say, in any difference or question that might arise between this and another nation, that the foreign power was always in the right, and that his own country was always in the wrong. I do not believe that the policy of my noble Friend was of this character, but I believe that my noble Friend's policy, on the great subjects which came under his attention, had a most powerful tendency to maintain the peace of the world. Look to the great question which arose since my noble Friend came into the office he recently filled. One great question arose shortly after the time he accepted that office, respecting which some of the most able and most sagacious statesmen of the time said that it portended war, and that it would be hardly possible to avert it by any means of negotiation. The question I allude to was the settlement of Belgium, after the sepatation of the provinces composing that state from the Netherlands. France was armed on the one side, and Prussia and Austria on the other, and were ready to take part in the contest which was likely to arise between Holland and Belgium. The counsels of my noble Friend and the Cabinet to which he belonged prevailed with these several powerful nations, and these counsels tended to the preservation of peace. These counsels tended to prevent war arising between Holland and Belgium, and the great northern powers of Europe and France, which appeared inclined to take part on each side in the contest. The influence and interference of England, however, was so ably exerted that this most involved and difficult matter, instead of exciting a general war in Europe, as was then so generally anticipated, became a question of diplomacy; and this most stirring topic was arranged in the most pacific manner, and the King of Holland and the King of Belgium were placed on a footing of amity with each other, and the various states of the rest of Europe were restored to a state of confidence in the preservation of peace. Did this look like a disposition to excite war, when it was clear that if matters had been left alone, and England had not interfered, war must have occurred? There was another question which I think would, if it had not been dealt with, have proved, if not immediately dangerous to the peace of Europe, must shortly have been a powerful obstacle to the preservation of the general peace. Russia had obtained great advances under the treaty of Adrianople, and had secured to herself great power and influence in Turkey, when England and other powers neglected to take any part in the contest that had arisen between those two powers. Again, by the treaty of Unkiar Skelessi Russia had secured to herself additional advantages, the existence of which were most dangerous for the preservation of the Turkish empire. After we had neglected to interfere in these proceedings, another question arose, whish involved considerations to this extent, namely, as to whether England should, with the other great powers of Europe, interfere and prevent the Sultan from being overcome and destroyed by a too powerful vassal, or whether that Sovereign should appeal to Russia alone, and place himself under the guidance of that power. The hon. and learned Gentleman said that my noble Friend's name had become a by-word throughout Europe, and that he had done more than anything else to diminish the influence of England throughout the world. What, I ask, did the Emperor of Russia do when the circumstances respecting Turkey arose, which I have just adverted to? The Emperor of Russia did not send to other states, but instantly, on hearing of the occurrence, dispatched a minister to England to learn what course this country advised to be taken, and what part she intended to take; and he went to the extent of saying that he would adapt his policy to that which England thought the best course to pursue for the maintenance of the peace of Europe; and that powerful state adopted the course that was suggested by this country, and acted upon it in entire good faith. The proposition of my noble Friend to Russia was adopted, and it was acted upon by four out of the five, of the great powers of Europe—they agreed as to the policy to be pursued, and in a short time it was carried to a successful termination. The hon. and learned Gentleman objected to this course of policy, as tending to promote hostility; but I believe that it had the effect of removing the danger that was likely to arise from a continuance of the contest between the Sultan and a too powerful vassal, and by the settlement of it great additional security has been obtained for the preservation of the peace of Europe. By carrying out this course of policy to a successful issue, you have placed Turkey under the safeguard, not of one power, but of all the great powers of Europe, and all these had agreed to treaties for the security of the integrity of the Turkish empire. Were these proofs of a palpably mischievous and pernicious meddling in the affairs of other states? Were these two questions of such a character as has been described by the hon. and learned Member? My noble Friend has been made the subject of the most absurd accusations, and of the most ignorant calumnies, and of the most unfounded vituperation, but notwithstanding all that my noble Friend has been assailed with, I am quite ready to take my full share in the responsibility of his policy; and I am ready to prove that that policy has maintained the peace of Europe. I believe that his asserting the power of England in the way in which he did, he did more to secure peace than could have been done by a dastardly course. Confident, then, as I am in the safety and advantage of the policy pursued by my noble Friend near me, and confident as I am in the policy of Lord Auckland, I am ready to give a negative to the hon. and learned Member's motion for a committee, which is only intended to imply a censure on that policy. Supported as the proposition for that motion was in a speech almost unparaleled for its invective, the hon. Member appealed from the late House of Commons, when he had ample opportunities of discussing the policy of this war, to the present House of Commons, when he knew those who were responsible for that policy were in a minority, apparently under the supposition that right hon. and hon. Gentlemen opposite were actuated by similar feelings to those by which the hon. and learned Member appeared to be actuated. But I trust that hope will be disappointed.

Mr. *D'Israeli* said, according to the noble Lord, there seemed to be a vague idea, on the part of the late Government, that something was to happen —that something fearful existed which could not be proved to exist, and that, in consequence of this fever of fear, it became necessary to march a large army into distant parts of Asia. Apply the same reasoning to a neighbouring state. Had we not denounced, over and over again, the war fever in France? From all that had been offered in explanation of the late invasion of Affghanistan, it appeared to him that no better reason existed for it than could be offered by France if she should choose to cross the Rhine, because she entertained some vague idea that all Europe was coalescing against her. The noble Lord had been obliged to admit that war had been undertaken from the fear and jealousy we entertained towards a great European power. The hon. and learned Member for Bath, in anticipation of the admission which had been made by the late Government, followed that course in his reasoning which was most legitimate and just, but which he was bound to say had been greatly perverted by the noble Lord. If the late Government was afraid of Russia, and if Russia by her policy was injuring or endangering any portion or dependency of the empire, nothing was more clear, said the hon. and learned Member, then that it was their duty to attack and assail Russia. The hon. and learned Member did not, however, admit that Russia had attacked us; he inquired for the proofs of such a proceeding. Not one proof had been brought forward either on any former or the present occasion by the late Government that such a proceeding had taken place. If it could be shown that our empire was endangered by Russia—that this indefinite host was overrunning any part of our empire, the House of Commons would at once forget all abstract considerations of the policy of the war, in consideration of the pressing emergency. But nothing whatever had been adduced either in this or the other House—or had been advanced in any journal or organ of the late Government—not a tittle of evidence had been adduced to show that any serious preparation, or combination, or contrivance had taken place on the part of Russia which could justify or render necessary any warlike movement or preparation on our part. If the advisers of the Sovereign heard of any intrigue on the part of any power to assail our influence in India, or in the neighbouring states, that would form a legitimate ground for diplomatic action and inquiry. If the Government of the Queen heard that neighbouring states were engaged in hostile operations against each other which threatened to exercise a pernicious influence on our Indian empire—that might be good ground for assembling troops and for interfering in the quarrels of other nations. But to assemble an army for such purposes, under such circumstances, and for such vague reasons as those assigned by the late Ministry was unparalleled in the history of any country and of any party. He had once before ventured to call the attention of the House to the physical position of our empire in India. The hon. and learned Gentleman had also referred to the same subject. What was our situation? On the west and east we had 2,000 miles of neutral territory, on the north impassable mountains, and on the south 10,000 miles of unfathomable ocean. Was it possible to conceive a more perfect barrier than that which he had described? Could a boundary possibly be devised more perfect and safe than the boundary our empire possessed before the invasion of Affghanistan? But the noble Lord had justified the steps which had been taken. Notwithstanding this secure boundary, he declared that Russia would hàve advanced, that we had only anticipated a hostile movement, and that it was necessary to apply our resources in the way which had been done. It appeared, then, that we anticipated a movement and failed. We went forward to attack a force that never was seen, steps were taken by the noble Lord to overcome this visionary force and they ended in disaster, and dishonour. Look, too, at the position in which the late Ministry by their policy placed this country with Russia—the late Ministry who now showed so much delicacy whenever Russia was mentioned. It appeared that during their whole administration we were in a state of semi-peace only with Russia, for not only were the borders of our Indian empire menaced, but there was a similar state of danger and difficulty existing in our European relations with that power. An unseen foe was in the Mediterranean, and Constantinople was in danger of being occupied without any force being at hand to prevent it. He would admit the inconvenience of discussing the feelings and policy of foreign powers in that House, yet he thought it was far better to have a frank idea of the intentions and policy of Russia, rather than to announce that power as a sincere friend, and yet have debates against that power, and wars against that power, involving England in expense, and placing her empire in a position of almost inextricable danger. The position of Russia was, he admitted, menacing but it was not offensive. It was the geographical position of the Russian empire which rendered it menacing. Look at the map. These two spots would be seen, the Dardanelles and the Sound, which if possessed by the same power must give that power universal empire. When they saw a power advancing gradually upon those two points, and when also it was seen that those two points were in the hands of two of the weakest states in existence then that power was in a menacing position as regarded Europe. The noble Lord, who took such great credit to the late Government for its foreign policy, had called attention to the great success which had attended our interference in relation to Belgium. The noble Lord, however, forgot that while his Cabinet was guarding Belgium and the peace of Europe other affairs were neglected,—those of the Levant—and that in consequence of this neglect serious consequences took place which required all the energy of the Cabinet to overcome. The noble Lord at the head of foreign affairs, in consequence of this neglect, became terrified at the position in which he was placed, and to extricate himself sent agents to the shores of the Black Sea to stir up intrigues against Russia. The noble Lord did not state, that in consequence of his thus sending secret agents to Circassia, Russia attempted to counteract him by sending similar agents to Central Asia. When the noble Lord sent his secret agent to Circassia, he did not contemplate that Russia in defence would occupy Constantinople any more than Russia when she sent an agent to Central Asia contemplated our invasion of Affghanistan. Throughout these intrigues and counter intrigues, the conduct of Russia had been defensive. The noble Lord who first addressed the House had signally failed in adducing any evidence of conduct on the part of Russia, or her agents, to justify the immense operations which had been undertaken in Asia; and the noble Lord had also failed to rebut the allegation of the hon. and learned Member for Bath, as to the injustice of the war. There was one point that had not been alluded to. Here was a war impolitic and unjust, but no person had been able yet to prove to them with whom they had gone to war. It had cost 20,000 lives, and no one could explain wherefore: not in open warfare, but under circumstances most painful to remember, and yet which could never be forgotten—which had left a stain upon their arms, and might operate with a most baneful effect upon the military character of the country. It had cost perhaps as many millions of treasure. All this had happened without any cause being alleged; the affair was invested with mystery, and, so far as England was concerned, it seemed that the invasion of Affghanistan was to remain a state secret. What then became of that favourite doctrine of the responsibility of Ministers? It might be advisable not to inquire into their proceedings. Gentlemen who had been or were then in the Administration might tell them that inquiry was indiscreet, or unsafe, or impolitic. Such might be the case, it might be for the interests of England that they should not inquire into this attack upon an imaginary force. But although they might make that great sacrifice to policy, it might become a question whether, if on a subsequent occasion, another expedition be undertaken without cause, carried on with discomfiture, and leading to the most disastrous results, covering the country with shame in the eyes of Europe and of every civilized country of the east, raising up against England a feeling of indignation and of general disgust and hatred —their decision to-night may not serve as a precedent to stifle public investigation. They had had an inquiry into the Walcheren expedition before that House was reformed. Now it was a reformed House —they had got rid of the boroughmongers —they represented large and enlightened constituencies who had abolished slavery, who would mitigate the sufferings of the people, who boasted on all occasions of their Christian principles; and now, when they had been shown that disaster, murder, and national disgrace had taken place, and not one hon. Member had got up in that House to tell them the reason why, were they to waive that great constitutional principle which it was the proud boast of the Whigs to have originated, and to vote to-night that the responsibility of Ministers was but a dream?

Mr. *Escott* commenced by assuring the noble Lord the Member for London, that in giving a somewhat loud expression to his feelings, he had not the slightest intention to offer any disrespect to one who had been so long the able leader of the opposite party, and whose talents rendered him an ornament to that House. He asked the House to allow him to give a full and plain expression of his opinions upon the present subject. He implored them to allow him to call their attention to the real question; and he trusted, that the result of the debate would not show the present Government on the side of those who would screen foul public delinquency from Parliamentary inquiry. The question was not merely whether a war, upon which they had been told by the noble Lord opposite an extraordinary degree of ignorance existed on his (Mr. Escott's) side of the House, and on which throughout the country an almost uniformity of opinion existed that it was unjustifiable in its origin, was really so or not, but the question was whether the representatives of a free people were to inquire into the justice and necessity of the war, and thereby if it were just, free its authors from the odium that attached to them. He declared upon his honour, that he would go into that inquiry with a most anxious desire to find that those in high station, and who were the authors of the war, were actuated by proper and honest motives, and had acted with a sound discretion. But if there was to be no better defence than that of the noble Lord the Member for London; if they were to have no other defence than that implied in Lord Auckland having acted in a beneficent and humane manner towards the people of India, then he would say, that the country and the House were in the same ignorance they had ever been with respect to the causes of that war. The noble Lord had said, that Lord Auckland had been described by the hon. and learned Member for Bath as a great conqueror. He was certainly somewhat surprised to hear that such an expression had fallen from one who was usually so circumspect in his statements. He, however, had never heard his hon. and learned Friend, or indeed any other individual, call Lord Auckland a great conqueror, whatever may be his merits, and whatever his former hopes. He deserved a different character. The noble Lord's defence of Lord Auckland amounted to this, that Lord Auckland had governed India well. He admitted to the noble Lord, that Lord Auckland was humane, and amiable in his character—a zealous reformer of Indian policy, as far as regarded the internal arrangements of that empire,—he would admit also, that he had taken an active part in promoting the education of the native Indians, and that he had patronised schools of anatomy,—that he had improved the land revenue, established dispensaries, and done several other works of humanity and benevolence,—but he asked what on earth had that to do with the question? He should be sorry, indeed, if his hon. and learned Friend the Member for Bath, had accused Lord Auckland as a man, inattentive to the ordinary duties of his station; but he had not charged him with being cruel or inhuman in the management of the internal policy of the country. What he was accused of was, that he had engaged that country and this country in an unjust and unnecessary war. That was the issue; and when that issue was to be tried, then the noble Lord the Member for London rose and quoted, not anything to prove the sound policy or justice of the war, but Lord Auckland's policy in the internal government of India, as a proof that he did not engage in an unjust and unnecessary war. He thought, that the noble Lord, with his advantages and knowledge of the causes of this war, would have been able to have made a better defence, instead of failing so completely to give any reply to the arguments of the hon. and learned Member for Bath. The present was a question in which they should not be guided by any party feeling—it was a great judicial question, and the House was sitting as a great judicial assembly in the exercise of those powers which the Constitution had confided to them to investigate the acts of an unprincipled and profligate administration of foreign affairs. If the war was unjust and unnecessary, then he maintained that the Administration which had carried it into effect was a profligate one. If the war was unnecessary and unjust, then he would adopt the expression which he had heard used in reference to it, and say that "it was a wicked war." Nothing could justify war but the interests of the country—national defence—national honour—they were bound to look to the character of their country, and the general interests of humanity. The question was then a very different one from what it was last Session. On that occasion a motion had been made for further information with regard to the war, and the answer was, that Lord Auckland had not arrived, and it was said "Would you attack a man in his absence?" They had been asked to wait until he had taken his place in the other House, and not bring forward an accusation when he could not answer it. He thought, that a very good argument, and had voted with many on his side of the House against the motion, as it would be construed into a vote of censure not only on the Government, but on Lord Auckland who could not be heard in his defence. The noble Lord, however, had now resumed his seat in Parliament, and this objection no longer applied. Now, however, they were told that Parliament must do nothing because it had then stood still. Because the leaders of public opinion in this House, and the other had sanctioned this war by their silence. Had they done so? What had been the opinion of Lord Auckland's conduct, and of this war, expressed heretofore? On the 19th of March, 1839, a noble Lord who was no mean authority on questions of peace and war, and who, as he was informed, conducted the foreign relations of this country in a manner which commanded the respect and esteem of other nations—he meant Lord Aberdeen—had said,

> "Unless the course that had been taken could be subsequently explained, no man could say that it was not as rash and impolitic as it was ill-considered, oppressive and unjust."

Could his hon. and learned Friend the Member for Bath say anything stronger than that? Another noble Lord—Lord Brougham—[*Laughter.*] Yes, they might laugh at Lord Brougham in his absence; but Lord Brougham had said, that

> "In the expediency of the policy pursued by the Governor-general there was no justice—it was a complete dereliction of every ordinary rule of reason."

That he thought was a sufficient condemnation of the justice of the policy of the war. But another noble Lord had said something that they would not forget, and which afforded a clue to some subsequent transactions:—

> "They might assume from the evidence produced that the conduct of the Governor-general of India were a folly; it remained for the evidence to be produced to determine whether it were a crime."

That was Lord Ellenborough. And in the teeth of these declarations, they had been told last Session, and the House of Commons had been told that night, that the leaders of the Conservative party in England had by their silence expressed approbation of this war. What was meant by that? Because the Conservatives had not interfered with the operations thought necessary by the Government for carrying on a war abroad from national and scrupulous care, lest they might injure the success of our arms, were they now to be charged with an acquiescence in an unjust and wicked course? If so, let the party who so charged them, say so; and never after let them trust those who were ever found willing on the very first occasion to turn the toleration and justice of their adversaries into the means of an attack. But had they not now the means for enquiry, and for deciding this great question? He had ventured on a former occasion to ask his right hon. Friend the First Lord of the Treasury whether, in the discharge of his duty, it became him to lay before the House any further information as to the causes of this war. The right hon. Baronet had told him, as he was entitled to do, that the papers laid before Parliament contained all the information necessary to elucidate the policy of the war. He expected that answer, but it had not satisfied him, and on the following night he had ventured to put the same question to the right hon. Gentleman the late President of the Board of Control, whether the papers he had laid before Parliament contained, in his opinion, and in the opinion of his Government, their justification of the policy of this war? That right hon. Gentleman had risen in his place, and distinctly stated, that the papers laid before Parliament did contain the justification of this war. He had thought it his duty to look at those papers, to see what that justification was. There were some events which were very plain and intelligible. It was very plain, that England was bound by two treaties to respect the independence of Affghanistan—one a treaty with Persia, the treaty of Teheran, the other a treaty with the chief of Affghanistan himself—the treaty of Cabul. It was clear that a gentleman, whose name had been mentioned, Captain Burnes, was sent by the late Governor-general of India, on a friendly mission to the chief of the Affghans, and to conduct negotiations for the mutual benefit of both countries. It was also plain that the late Governor-general of India had written friendly letters to the chief of Affghanistan, promising constant amity and commercial intercourse. It was plain also that there had been suspicions—they might have been well founded or they might have been ill founded—of Persian aggression, and suspicions of Russian aggression, and that in consequence of such suspicions, the Indian army received orders to march across the Indus, and to invade the friendly territory of our ally. But here he was bound to go over again some of the ground which had been so much better occupied by his hon. and learned Friend. The right hon. Gentleman, the late President of the Board of Control, in the last Session of Parliament, stated the ground for the invasion of Affghanistan, to be first of all the interference of Persia and the invasion of Herat. On the 9th of September, in consequence of our remonstrances, the siege of Herat was raised; and exactly six months after that the new army of India crossed the Indus: the grievance was abated, and then to punish Persia we had invaded Affghanistan. Well, what was Russia's dealing with India? The complaint was that Count Simonich and Captain Vicovich were engaged at the court of Teheran in intrigues injurious to the British interests. The noble Lord made a remonstrance to the Court of Russia. Did the answer to that remonstrance justify the opinion that Russian influence was about to be used to our injury? Why, in the first place, they were recalled from Teheran. And further, he declared that, having read the answer of Count Nesselrode to the remonstrance, the impression it made upon his mind was not only that it put to shame all such suspicions, but that it contained the most statesmanlike, cogent, and unanswerable reasons why such suspicions should never have had either a promulgation or an existence. But whether that were the case or not, he had an authority in support of his opinion to which the House would listen with respect. He should call the noble Lord himself, who stated that the assurances of Russia were perfectly satisfactory. The noble Lord stated in one breath that the apprehensions of Russian influence furnished the justification for marching our armies across the Indus, and the noble Lord stated in the next breath that the assurances of Russia in answer to his remonstrance were fully satisfactory and conclusive to prove that there was no just ground whatever for his suspicion. But he had another authority, one who knew something of these matters. He supposed that the noble Lord, the Member for London, would acknowledge that the Duke of Wellington was some authority with the Conservative party, and he would now read to the noble Lord the opinion of the Duke of Wellington upon these very points of Russian interference, and the answer of Count Nesselrode. On the 11th of April, 1839, thus spoke the Duke of Wellington:—

> "He deprecated the course pursued by her Majesty's Government in regard to the papers in question, a course which had left the country and Europe under an erroneous impression as to the interference of the Russian agent and the explanation of the Court of St. Petersburgh. The noble Viscount (Viscount Melbourne) had intimated that the explanations in question were satisfactory to her Majesty's Government. Surely the noble Viscount would at once acknowledge that it would have been much fairer to have laid the explanations of the Russian government before their Lordships as early as possible at the same time with the

erroneous impressions conveyed by the papers previously presented to the House."

But that was the scheme. The scheme was to get up a rumour about the influence of Russia, and to persuade the country and India that Russia was meddling in our affairs, and then to keep back the satisfactory explanation until the mischief was done, until we were engaged in a war which that explanation showed to be totally unjust and unjustifiable. And what had been the consequence of this course? The expedition commenced under circumstances of difficulty. Doubts were expressed at home and abroad, by the best authorities, as to its policy and its probable result; but the arms of England triumphed over all difficulties, and our first advance to Affghanistan was attended by that signal success which generally accompanied the march of English armies. But winter came. There was no one to watch over the interests of the army. They were under the command of one who was unable from age and infirmity to do his duty to the soldiers. There was then one at the head of Indian affairs, whose successor had been taunted with being a commissary-general; here there was no commissary-general, for he left the army without adequate supplies and inadequate in force with no general to command them, amid ice and the snow, where they were cut off, defeated, and destroyed. It was left for other hands—it remained for a vigorous Administration—it remained for an energetic Governor-general—it remained for fresh troops and for generals acting under new discretion to retrieve the disasters of former days, and to restore the reputation of the English arms. That was done. It might be said that the barbarians of Affghanistan forsooth were not the people whom it became any Englishman to take the part of, or to say one word in their defence. He knew not how that might be. He did not know that he could agree in all that had fallen from his hon. and learned Friend on that point, it was not his part to defend cruelties of any kind, but this he did know, that the great leader of the Affghans was one who was born for the people whom he led—he avenged the injuries done to his kinsfolk and his country, and if he did it after the manner of a barbarian, would to God that we had not to answer for worse crimes. He acted according to his light, and the wild morals of his forefathers. Ackbar Khan retired from the cities of men to the rocks and mountains, where, like some great beast mewing his mighty strength and abiding the hour of his prowling, he swept like his own native whirlwind down the mountains of Ghuznee, and, avenging himself on the invaders, in that fatal valley filled all the passes of Cabul with the blood and bodies of the slain. Should England ever be invaded, let her have some one as a leader of her armies, who with civilization should possess the same courage, and let us then see him impeached in a British House of Commons, because when his country was wronged, he fought according to his manner for his people, and became their deliverer from oppression. Oh, why were we the oppressors? Was it because Russia was powerful;—Affghanistan weak. We trampled on those whom we could not crush, and we dared not encounter the power which we condemned. We had shrunk from a war with the power which we faslely said had injured us (and which the noble Lord insulted in his despatches); and turned upon those who were weak and whom we now called barbarous. If there were barbarism, if there were public guilt, if there were wickedness in the world, it was that a great country calling itself civilized, engaged in a contest and prosecuted a war of this kind under pretence of hostile aggression, while it dared not attack those whom it said, were the invaders of its rights, and turned upon those whom it knew to be innocent, and thought to be helpless. And how is this course of delinquency defended? The noble Lord had referred to that part of his hon. and learned Friend's speech in which he quoted Sir Alexander Burnes. He supposed the opinions thus referred to, were thought to justify the war, because if they were not brought forward with a view to prove the war politic or just, for what purpose where they brought forward? The noble Lord, following the example set last Session, called upon the House to pause before it condemned the course which had been pursued. He remembered that the Secretary to the Board of Control, last Session, appealed with some success to that side of the House, urging that it was not fair to call upon a Government to produce the whole of the documents which it might have received from a public servant. He was disposed to admit that plea, but he said if the opinion of Sir Alexander Burnes was produced for anything it was produced on the credit and reputation of the man who gave it. We took the opinion of a person well versed in Indian affairs—an honest and honourable man, and one who had had an opportunity of forming a just opinion on the affairs respecting which he wrote; and was he to be told that it was no misfeasance of a public servant of the Crown to keep back those parts of his information which would make against his authorities and only to quote those which were in favour of them? When the noble Lord (Lord Palmerston) quoted authorities in favour of a particular course of policy in the East, was the noble Lord to give only that part of a writing which were in favour of intervention, and to put by those which showed that the course adopted was totally odious and unjust in the opinion of the author? That was the charge he made against the mutilated and garbled form of Sir A. Burnes's communications, and he by no means contended that the Government were bound to produce the whole of the documents in their possession, but that they were not to cite the opinion of a man as an authority, when, if they gave the whole of that opinion it would be an authority the other way. Nothing could be so base as such a proceeding as he had referred to, and he called upon the opposition side to meet those at his side at a select committee to investigate that charge and clear themselves. That was the constitutional course, as had been proved by his hon. and learned Friend, and which was known to all who were familiar with the constitutional precedents of Parliament to have been adopted over and over again. Here, again, he was met with the great difficulty of having no argument to contend against. What was the House of Commons for? To pass laws and send them up to the House of Lords? Was that the only office of an English House of Commons? Were they not the great inquest of the nation bound to inquire into acts of tyranny, oppression, and injustice? Were they not bound to perform their duty to those who had sent them there, and whose opinions they wished the people to believe they represented? Or were they to turn back upon them and say, we will undertake systems of parish education, we will undertake corn-laws, we will entertain commercial or any other legislative questions of the day, but when it comes to a mighty question, upon which the eternal principles of right or wrong depend, upon which they were bound by their duty to their country and their God to give an honest and conscientious verdict, independently of any party or political considerations, were they to tell the people, "Oh, no, our hands are tied; we cannot grant your committee; an executive Government may have done wrong, but we, the representatives of the people, dare not interfere with the executive Government?" If he had ever heard any thing in that House which gratified him—and he had received much kindness since he had enjoyed a seat in it—he would say that it was a statement made by a right hon. Friend some time ago, in answer to some observations of his, when his right hon. Friend was good enough to say that he had spoken with sincerity. Now, he would declare with sincerity, that rather than not vote for the motion, he would resign his seat in Parliament to-morrow; he would resign that hope which the humblest Member of that House might entertain—that he might gain a good name by doing his duty to his country in that House as a representative of the people. He would retire for ever into private life—he would do anything except a dishonourable act—rather than not support the motion. To the latest day of his life, and to the latest day when his hon. and learned Friend would be heard or read of, would the country be grateful for his motion and for that speech. He differed on many questions of political and party considerations from his hon. and learned Friend, but this was not a question of party or of politics; it was a question above both. It was a question of moral justice, and he called upon her Majesty's Government and upon that House as the representatives of the people of England, to do justice and to fear nothing.

Sir *R. Peel* said, Sir, there are two questions — amidst some that are not immediately connected with the main point at issue—there are two more immediately connected with it which have been brought under the consideration of the House in the course of the present discussion—the one, whether or no the expedition undertaken by the Governor-general of India was consistent with sound policy; and the other, whether it is fitting for the House of Commons to appoint a select committee for the purpose of inquiring into the policy of that expedition. These two questions I consider to be not necessarily connected with each other. I entertain, and have entertained, from the first, strong doubts as to the policy of the expedition into Affghanistan. When it was first mentioned in the Speech from the Throne I intimated my doubts. From the first period of the Session I said in very strong language that I thought the adoption of Shah Soojah, without a perfect conviction that his promotion to the throne would be in conformity with the feelings and wishes of the Affghan people, would be very much like, although the scene was different — but would very much correspond with the policy of the adoption of Charles X., and the attempt to force him upon the reluctant people of France; and I said that I did not think the change of the scene, the one operation taking place in Asia and the other in Europe, made any very material difference in the policy of the measure. With more prophetic wisdom my noble Friend, the Duke of Wellington, predicted that you would succeed in your military operations, but warned you that your difficulties would only begin when your military enterprises were successful; and, therefore, Sir, it must not be implied, if I find myself unable to support the motion brought forward by the learned Gentleman, that my refusal to support it is an abandonment of my former opinion as to the policy of the original course. Subsequent events have, I think, confirmed the original apprehensions that were entertained. Even if I conceded that the conduct of the Russian agents justified your suspicion, and justified the adoption of active measures against Affghanistan, still I must contend, with respect to undertaking the support of Shah Soojah, under the impression that his accession to the throne would be popular among the Affghan people, that subsequent events proved that impression upon that point to have been erroneous. Shah Soojah had no root in the affections and predilections of the people of that country. In the letters which have been published of the late Colonel Dennie, to whose gallantry I bore a willing tribute the other evening, that gallant Officer said, with reference to the force with which he had been left, and which was called Shah Soojah's, "What a farce it is that it should be called Shah Soojah's, when it is entirely composed of Hindoos, and there is not a single Affghan in it." I think, therefore, that even if I conceded, for the sake of argument, that your suspicions of Russia were well founded, I should still doubt the policy of undertaking the support of a prince who did not possess the affections of his people, and by separating your army from their resources—placing them at a distance of nearly 600 miles, where they were separated from those resources by passes over which you had no command, and where you were entirely dependent upon money to gain those who guarded the passes—and subsequent events have confirmed the doubts which were expressed from that side of the House as to the policy of the expedition." I retain the opinion I before declared, but I consider that question to be perfectly distinct from the question, whether as a Member of the Government, possessing the confidence of her Majesty, I should think it expedient to lend the influence which a Government naturally exercises to appoint a select committee for the purpose of inquiring into the policy and justice of a great operation undertaken four years ago. [An hon. Member, "Oh, oh."] I should be glad to receive some more intelligible, though not more audible intimation of dissent. I do not know the grounds of the dissent, but probably the hon. Gentleman will take an opportunity of explaining them. In considering the question whether I shall assent to a select committee, I shall discard every other consideration than this:—"Is it for the interest of the Crown, whose servant I am, but above all, is it for the public interest, that this inquiry should now be entered upon?" I cannot exclude, on this occasion, the consideration of what is due to the usage of Parliament, and if I find that in all the contests of parties, and all motions of this nature, we adhere to usages, and do not forego them, unless under some urgent considerations of public interest, and that if we did we should excite continual dissension, what principles, I ask, should now make me depart from them? Foreign policy has on many occasions been subject to contention. When, indeed, did parties exist, without finding some part or other of the foreign policy of their opponents to condemn? In the revolutions of Governments which have taken place, it never has been the usage for any Government, on taking possession of office, to use all its power and its influence in this House to bring under investigation the acts of its prededecessors. It never has been the custom of the House and it would not be just now to establish such a precedent. That does not shut out considerations of public interest, but the power of the Government is not to be employed against their predecessors in office on mere party considerations. I shall not be influenced, therefore, by party considerations in the vote I mean to give. I might make use of the motion for party purposes. The Gentlemen opposite complain of the conduct of the present Governor-general of India, and we are threatened by a motion against him, which I might anticipate by taking advantage of the present motion. If I were influenced by party considerations, I might support the motion of the hon. and learned Gentleman for a select committee, and retaliate for the attack on Lord Ellenborough, by promoting the attack on Lord Auckland. But I disclaim being influenced by any such feeling. It is not parliamentary usage for the Ministers who command a considerable majority in this House, who have access to all the secrets of office; it is not customary for them to employ their political power in condemning the policy of their opponents. I do not forget what occurred in 1840. I was in opposition, when it was proposed that papers connected with the subjest should be laid on the table. A motion was then announced by my right hon. Friend the Secretary of State for the Home Department, and I remember that we were influenced in relinquishing that motion because we would not express any doubt of the success of our military operations beyond the Indus. But our opinion and judgment of the policy, which we then explained, remain the same. If, however, we made no motion of censure on this policy when in opposition, can I be less reluctant now we are in power, now that we are made wiser by events, to call for the opinion of the House on the policy of our predecessors. Sir, when the thanks of this House were voted to Lords Keane and Auckland, the military and civil directors of the war, and when this House consented to vote a grant of money by way of pension to the former of those noble Lords, I then, though I fully acquiesced in the public acknowledgments of the House, nevertheless hesitated in giving my sanction to the direct vote of the public money for the purposes to which it was sought to be applied. I must say that some of those who are to-night the loudest in reprobating the principles of the war were at that time the loudest in expressing approbation of it. I remember, Sir, that the chief opponent of my views upon one of those occasions was no less a person than the seconder of the motion now under consideration. When I cautiously made a reserve as to the general policy of the war, and objected especially to the grant of money, the hon. Member for Montrose approved of the policy, and also assented to the appropriation of the money. [Mr. *Hume.*—The policy was not the question.] If I were trusting to my general impression I might doubt the correctness of my recollection; but I must bring the hon. Member to book. Opening a volume of the Parliamentary Debates. The hon. Member cannot surely deny that he approved of the policy. [Mr. *Hume.*—I don't deny it.] Oh! Very well; then I have done [*cries of* " read, read"]—Certainly I'll read. This is all stated, you know, in a good humoured way. I don't know where to find the sentences, I'm sure; but I suppose I shall find them somewhere in the climax. We usually find the strongest points in conclusion of a speech. Here is a passage,

> " I am of opinion that the result of the expedition will go far to strengthen the British power in India."

[Mr. *Hume.*—Oh! read on, read on.]—Very well!—I will now read a passage from the beginning of the hon. Member's speech,

> " Having seen the lamentable results of inefficient arrangements, I think the greatest credit is due to the British authorities.?"

Oh, but he goes further than that. here's another passage.—

> " I think the conduct of Lord Auckland is marked by the greatest wisdom."

Then here's another; now what will the hon. Gentleman say to this?—

> " I believe that it is an expedition more likely to be beneficial to India than any which has previously taken place."

[Mr. *Hume.* Read on.] So, I have struck the hon. Gentleman above and below, and in the middle, and I hope he's satisfied. But I quote this to justify myself in saying that I have from the first expressed my distrust of the policy of the expedition, though I am now opposed in objecting to this enquiry to those who formerly gave it great praise.

Sir, if the hon. Member formerly believed the expedition was so satisfactory, and now votes for the present motion, I am justified in affirming that I shall deal unfairly, and act differently from my conduct when in opposition, were I now to consent to the proposed inquiry. Nothing is more easy than to talk of the House of Commons as the great inquest of the nation—nothing is more easy than to talk of its unlimited power, to inquire into all the actions of men in office, and of its duty to investigate and punish all abuses. But where are the limits to such inquiries? Shall I inquire as to the policy of the Syrian war—as to the effect of our bombardment of St. Jean d'Acre, and as to the effect our conduct on that occasion had upon our relations with France? [Mr. *Hume:* you ought.] I ought—the hon. Member says I ought—and having acquiesced in that inquiry, "as I ought," I shall of course, have my acquiescence pleaded as a reason for granting the other committee. We shall have therefore a separate committee on the Syrian war; and I will tell you what this will end in—it will end in transferring the executive Government from the Crown to the House of Commons. Because, observe—if on every point of questionable policy this House is to have a committee of inquiry—if such committee is to have the power of sending for persons, papers, and records—if it is to ransack every public office for official documents, and summon every Minister of the Crown to give evidence before it, why the practical result must be that the executive Govenment will be suspended. Yes, the hon. Member for Montrose says, truly enough, that if I grant one committee, I ought to grant another. Of course, the having granted these committees, I may expect that another Member will come down and say, that the arrangements under the American treaty are prejudicial to our interests, and that we must have a committee of inquiry on that subject. Having granted the first two committees, I could not refuse the third, and of consequence, I must hand over the executive Government to the committees of the House of Commons. Am I, then, as a servant of the Crown, and the guardian of the prerogatives of the Crown, rejecting all party considerations, and considering only what would be for the interest of the Crown, to assent to this motion? My opinion is, that I ought not, and on that ground I shall resist it. The hon. Gentleman does not accuse any person of dishonest or corrupt motives. It is only a question of public policy of a doubtful nature. The hon. Gentleman says that the papers laid on the Table do not give a fair representation of the policy pursued in regard to Affghanistan. It was said last year by a noble Friend of mine in another place, that he thought the volume of papers published, did supply sufficient materials to enable us to judge of the policy in question. I agree in that opinion, though all the papers were not granted, and that the late Ministers in the exercise of their discretion, which must at all times be exercised by every servant of the Crown, did make a selection of papers; I must say that I think that volume does contain a sufficient account of the motives of the individuals, on whose opinion the invasion of Affghanistan was judged to be politic and necessary. In 1840 I contended against that judgment, and that policy, as explained by subsequent events, is certainly not justified. Perhaps, more papers might be called for, and if more papers were called for, which I hold to be a more legitimate mode of proceeding—though I must say that my noble Friend the President of the Board of Control said that there was no reason to suppose that any documents had been withheld—but if a motion were made for more papers, that would be a more proper course of proceeding than the motion now before the House. Though I might not be disposed to acquiesce in any such motion, not thinking it necessary, it certainly would cause less inconvenience to the House, and be less injurious to the public, than the committee it is now proposed to appoint. Now, what must be the course pursued in that committee? There must be an inquiry as to the conduct of Russia. The defence of the Government must be the conduct of Russian agents, and that the state of relations with Russia justifies the measures of provocation then adopted, and which entitled them to consider those measures as necessary to their defence against Russia. It would then be necessary for the committee fully to investigate all the grounds of suspicion or offence taken against Russia. But then, if you were to do full justice in this committee, I do not see how you could refuse to hear what Russia had to allege in reply. Russia might admit that she was fully justified in adopting such proceedings in Cabul, that in the state of her relations at that time, she was justified in having an agent there, as she had a just cause of complaint against you for having an agent in Circassia, that these things justified her in retaliating upon us, at the north west frontier of Asia. That justification might be made; but then, I ask, would the public interests be advanced by thus re-opening forgotten quarrels. What are our relations with Russia at the present moment. I trust we have laid the foundation for increasing our commercial intercourse with that country. We do trust that the benefits derived from this first step in the relaxation on the restrictions on commerce will induce Russia to proceed further. When these friendly relations between this country and Russia are extending, let us offer no impediment to the increase of our commercial relations with it. But what has been the conduct of Russia on the north-west frontier? Surely, if her designs had been hostile against this country, the time to have exhibited them would have been when Russia had heard of what had been the issue of our first advance on Affghanistan. When she had heard of the destruction of the garrison at Cabul, when she heard what was the position of our troops in Ghuznee and Candahar, then, if Russia had any hostile feelings against this country, that was the time for taking advantage of your disasters, and the most favourable means of doing so was by encouraging Persia to advance for your defeat. The whole course of Russia has been the reverse of this. So far from being unfriendly, she was not even passive, she was not indifferent; but, in the midst of your disasters, Russia, I must say to her honour, and as a proof of her friendship, did everything to mitigate your misfortunes. She offered the best advice to Persia, and to every tribe in the neighbourhood of Affghanistan. In a recent instance too, where two subjects of this country were exposed to outrage—when they were treacherously murdered at Bokhara—the influence of Russia, persevering in the most friendly feelings towards us, was employed. Every species of remonstrance—every kind of inducement—was offered to save the two gentlemen from destruction. It is for the public interest to continue this friendly intercourse, and, taking it for granted that the feeling is sincere, to encourage it. Which I ask, would it be most for the public interest, to take that course, or to enter upon an investigation into the conduct of Russia on the north-west frontier in 1838, and to condemn Russia for acts which in the present state of her relations, she repudiates; but which, under different feelings, she might have felt herself justified in adopting? I do think that the prerogative of the Crown would be prejudiced by a committee of inquiry, and by such an investigation as that now proposed. It is my opinion that the interests by an inquiry—in which the point of defence must mainly turn on the hostility that at the time was exhibited by Russia—the public interest could not be advanced by entering upon such an inquiry. We have here no great calamity to avenge. We have vindicated the honour of the British arms, on the scene of their former disasters. Our relation with Affghanistan—our unfriendly relations with Affghanistan—are closed. We are not called upon, as in the year 1840, to take steps for the purpose to avenge our disasters. The insult has been avenged. The credit of our arms has been re-established. I do say, then, that considering all these points, my counsel to the House—and I hope it is a counsel the House will be inclined to take—my counsel, influenced solely by what I believe to be the public advantage, my humble, my respectful, counsel to the House, is not to risk the disturbance of our present most friendly relations with Russia. I believe that those relations will be continued and maintained. My earnest advice is, that you may not do that which may prove fraught with great danger. You ought to take care too and establish no precedents which may be a check upon the future usefulness of public servants. It is of the utmost importance to obtain from public servants communications which they can make with perfect confidence. You are not to judge of their communications by events. They are bound to give what may appear conflicting arguments—the considerations for and against—the public servant is bound to state the arguments for or against a certain course of policy, and a very nice consideration can alone determine the balance. Yet what will be the consequence, if these frank statements are to be revised by a hostile committee of the House of Commons? The public servant is invited to state frankly his views to the Government, and it exercises its judgment as to the publication of papers. You, for instance, call for copies or extracts of these papers. Thus you admit, that the Government may have a discretion; that it may be justified in withholding some of them from your knowledge. Now, the committee appointed for the purpose of conducting what has been called a judicial investigation, may not be disposed to listen in the same manner to the reasonableness of this discretion that a House of Commons does. It may consider that from a judicial committee no documents should be withheld. For all these considerations, I conclude by entreating of the House not to give its sanction to a proceeding which I have so frequently before referred to—not to permit the just prerogatives of the Crown to be transferred from the Executive to a committee of the House of Commons; and by so doing, to open new quarrels, and disturb relations which are of the most peaceful and tranquil character.

Viscount *Palmerston* said, having been much concerned in the transactions, and much engaged in the negotiations to which the hon. and learned Gentleman has adverted; and having been the object of so many of the observations of the hon. and learned Gentleman in the course of that speech with which he introduced his motion, I must naturally be anxious to state to the House the grounds on which I intend to oppose his motion. But before I come to that, I wish, in the first place, to dispose shortly of that portion of the speech of the hon. and learned Gentleman which relates pesonally to myself, and to the Members of that Government to which I had the honour to belong. The hon. and learned Gentleman did not intend, I am sure, to have done that which I think he has done, that is, to speak in a complimentary manner of myself as Secretary of State for Foreign Affairs. He stated a fact, and he coupled that fact with an epithet. In doing this he certainly did not mean to be complimentary; but I throw the epithet aside, and look only to the statement of the fact, which I consider to be complimentary to any one in the situation which I had the honour to hold. The hon. and learned Gentleman accused me of a "mischievous and restless activity" in the discharge of my official duties. Now, with regard to the term "mischievous," I must take the liberty of saying that the hon. and learned Gentleman appears to me to have peculiar notions of what is, and what is not mischievous and, therefore, he will pardon me for saying, that his opinion that my official conduct was mischievous will not disturb the conviction of my mind that it was of a contrary tendency. That there was "activity" the hon. and learned Gentleman declares—and we have his unequivocal testimony to the fact. I thank him for that compliment. He says, that my "restless activity encircled the globe." Why, Sir, the interests of England encircle the globe. The sun never sets upon the interests of this country; and the individual whose duty it is to watch over the foreign relations of this country, would not be worthy of his position if his activity were not commensurate with the extensive range of the great interests that require his attention. That was my position; the hon. and learned Gentleman admits my activity, and I thank him. With regard to the Governor-general of India, and with regard to the Government itself, the hon. and learned Gentleman in his observations respecting our political conduct, and with reference to those transactions under discussion has used very hard and very harsh expressions. Men who are in public life, and in the performance of public duties, must expect that from some quarter or another such hard expressions will be applied to their conduct. But, it is generally observed that men who use the hardest words are apt also to employ the softest arguments. If this position be true, so far from being surprised that the hon. and learned Gentleman should have used hard terms in speaking of me and my late colleagues, my only wonder is that, considering the softness and weakness of his arguments, he did not put greater strength into his vituperation. But I can assure the hon. and learned Gentleman that his vituperation does not disturb myself, or any of my colleagues. We well know that the use of such language as he has indulged in is derogatory only to the man who uses it, and I can assure him that I shall not condescend to reply to it in the same terms. And now, with respect to the question which the hon. Gentleman has brought under the consideration of the House. The House, I think, must admit the validity of the reasons and the soundness of the arguments by which the right hon. Gentleman who has just sat down, has shewn both upon Parliamentary and constitutional grounds, that the motion is one that ought not to be sanctioned by Parliament. But I will not put my objections to it on grounds that might be liable to misconstruction, and that might appear to imply a distrust of the strength of our case, or any doubt that we have an ample justification of the operations that were undertaken by our authority in India. I must say, however, that it would be a strange proceeding, if, after four years had been allowed to elapse, not only since the occurrence of these important events in India, but even since the late Government had laid the case fully before Parliament, no attempt having been made to condemn the late Ministers when they were in office, and when they had all the means of defence which official documents could furnish them. These matters should now be made the subject of inculpation. It would, I say, be most extraordinary if parties were to lie in ambush during four years, and then to come out with an attack upon persons whom they might have assailed when in power, but on whom they deferred their assault till placed in a different position, and of course with less means of defending themselves. The hon. and learned Gentleman may say that he has been only a year and a-half in Parliament; but surely a year and a-half is quite enough for his ready talents to have organized an attack. But some hon. Members who have supported his motion have been in Parliament during the whole of the four years, and yet they have given no explanation why, with feelings so strongly excited against our policy, they refrained during all that time, from calling the attention of Parliament to those transactions. The first charge made by the hon. and learned Gentleman is, that the documents laid before Parliament do not contain a fair and faithful representation of the facts. I say, Sir, that charge is false. It is totally unfounded. It is proved to be unfounded even by him who made it; for the hon. and learned Gentleman having in his hand the pamphlet of Sir Alexander Burnes, which he said would prove important omissions—yes, I say, with that pamphlet in his hand, was unable to bring forward any one instance of falsification, and even the omitted passage on which he relied did not make any alteration in the sense of the passage which was given. If the hon. and learned Gentleman have other instances he ought to have stated them. All I can say is, that he has made a charge, and then read a quotation which did not support that charge; for I repeat there was nothing in the words omitted which altered the sense of the passage retained. But does any man venture to say—will even the hon. and learned Gentleman take upon himself to affirm, that the opinion of Sir Alexander Burnes was not favourable to active operations in Affghanistan. But I am told of private letters. If I am not mistaken, in the last Session of Parliament, I read private letters from Sir Alexander Burnes, written before our expedition marched, and complaining that Lord Auckland hesitated as to these operations, and that he did not advance though the necessity of doing so had become apparent. So far was Sir Alexander Burnes at that time from finding fault with interference, that the fault he found was, that sufficiently active measures had not been taken to effect that which he thought necessary. So far, then, as the opinion of Sir Alexander Burnes goes in proving that he and other officers of the Indian Government, who were placed in a situation for observation, thought that an active and vigorous interference beyond the Indus was necessary, we find it proved beyond a doubt, and I defy the hon. and learned Gentleman to shake the testimony afforded on that point. It was indeed, observed last Session by my right hon. Friend, the late Secretary for the Board of Control, that Sir Alexander Burnes might at one time have been in favour of maintaining Dost Mahommed in power at Cabul, and at another time might have considered it impossible to form any arrangement of security with him; but though his opinions may have varied from time to time as to the mode in which operations should be carried on, there was no change whatever in his opinion as to the necessity of our interfering by vigorous measures in Affghanistan. But our case stands on such broad, clear grounds, that I might make the hon. and learned Gentleman a present of the whole of Sir A. Burnes, opinions, and yet there would still remain ample justification for the proceedings of the late Government in the course that was pursued. The hon. and learned Gentleman has said that all parties were in a state of hallucination—that all our official servants in central Asia, all our successive Ministers in Persia, the Governor-general of India, and the Government at home were all labouring under an unintelligible delusion—that all were wrong, and he—he alone was right. The hon. and learned Gentleman, indeed, rather understated the extent of the "hallucination," because I beg to remind him that the delusion was shared, not merely by official persons, but also by a large portion of the public in this country and on the continent of Europe. Nay, it was shared in by that press to which the hon. Member for Winchester has alluded—not the press simply of the Government, but the press that represented the party then out of power—which was unanimous as to the necessity and expediency of those operations. I take the *Times*, which in the year 1838 was not to be held as the organ of the then Government, and on the 25th of December, 1838, it published the following observations:—

> "The state paper of the Governor-general of India, published in the *Delhi Gazette* of October 11, purporting to be an exposition of his Lordship's reasons for the resolute and extensive movement which he had at that time purposed, and has since put in progress for active service in the countries west of the Indus, is, we think, a creditable and statesmanlike document, calculated to raise the political character and authority of England throughout the wide regions of central Asia, as well as amongst the people of Hindostan and the territories of Bengal. While, if the warlike operations promised by the Governor-general be conducted with ordinary skill and vigour, they cannot fail to establish a friendly and effectual barrier for the British empire in the east, against the aggression of every power proceeding to molest us from the side of Persia or of the Caspian. It would be presumptuous to affirm that war on a very large scale may not immediately follow such operations. But we think it not unfair to affirm that without them England could not have escaped it."

Now, Sir, I quote this passage as a proof of the universality of the hallucination under which the hon. Gentleman is of opinion that we have all been labouring. It really reminds me of the anecdote mentioned of the individual who was an inmate of one of those houses, where persons labouring under hallucination are placed for treatment; and who said that he and the world had a slight difference of opinion; that he had thought the rest of the world was mad—that the rest of the world in turn doubted his sanity; that there was a decided majority against him and he was obliged to submit. In the present case, the majority is equally against the hon. Gentleman. I should, however, be very sorry to place any restraint either upon the actions or the language of the hon. Gentleman; and therefore I merely mention this matter, in order that the House may judge on which side the balance of authority leans. Now what are the grounds on which the expedition into Affghanistan was undertaken? because I admit with those who take the other side of the question, that unless the war was a defensive war, it may be represented as an offensive war—a war of aggression—and, consequently, unjustifiable. Sir, I say that it was a defensive war. We have been told that Russia was the real source of danger; and we have been asked, if such were the case, why did we attack Affghanistan? Why did we not go to the Baltic, to the Black Sea, with an army and a fleet? But, Sir, we did go to St. Petersburgh, not with an army indeed, nor with a fleet, but asking for an explanation; and that was the course that was consistent with the courtesy due to a foreign Government; and in peace with those relations which subsist between friendly powers. We stated to the Russian government the information we had received; we told them, "Here are agents of yours encouraging proceedings in Central Asia which alarm us, from the probability that they may have the effect of rousing neighbouring nations against us." We said, "Do you avow this conduct? Is it by your authority that it was pursued, or was it persisted in against your knowledge, and in opposition to your wishes?" We asked them this, and if Russia had openly avowed these hostile proceedings; if she had said, "What you have told us is true, and it is done by our direction, and we have an intention of disturbing your Indian possesions"—why, then it would have been proper for the Government to have come down to Parliament to have told the two Houses of what had occurred, to have informed the country of the hostile proceedings which had taken place, and to have demanded those supplies which would have been required upon such an occasion. But Sir, Russia made no such reply. Russia disavowed her agents. She said that they were acting without her authority, and contrary to her instructions, that she would recal these agents, and that she would also assure this country that she had entertained no intention hostile to the tranquillity of our Indian possessions. Having received an answer of this sort, on what ground could we have sent a fleet to the Baltic or to the Black Sea? It was impossible. We were willing to take the case on the showing of Russia. The hon. Gentleman might have disbelieved these assurances; but we said, "We are satisfied with them, and we will confide in them." Now what has been the conduct of Russia since? Has it been guided in conformity with these assurances? it has. During the period that we held the seals of office, Russia fulfilled her pledges with the strictest good faith; and the House has heard what the right hon. Baronet has told it, that since he has been in office, Russia hasabided by her promises, and has acted the part of an honourable ally, of a power friendly to this country. But says the hon. Member for Bath, "Why then your case is gone." Sir, I say it is no such thing. Does the disavowal of Russia—does the recal of her agents—undo the effect that these agents had produced? What had they done with respect to Persia? Had they not negotiated and guaranteed treaties between Candahar and Cabul on the one hand, and Persia on the other — treaties offensive and defensive; and directed specially against the Government of British India? These facts are on record and undeniable. No doubt it is possible, that an over-zealous agent might think that he was acting agreeably to the instructions of his government, although he was not ultimately borne out by that government; and might thus exceed or even violate his instructions this is perfectly possible and supposable, but I say that, the result of that conduct in the present instance, was that which every man who attended to the events of these times will remember that our eastern empire was exposed to great danger and disturbance on every side, not only from Affghanistan, but towards the north from Nepaul, towards the east from Burmah, and at the same time began those outrages in China. On all sides a storm seemed gathering. It was clear from the simultaneous manner in which these various movements happened, that there was some connection between them, and their consequences would have been most dangerous, if vigorous measures had not been resorted to. Now, if Russian agents acting without the authority of their government, had been able to create such disturbances as those they had stirred up, how much more formidable would have been the danger, if our relations with Russia had really been such as her agents imagined them to be? If Russia had been in a state approaching to war with this country, and had intentionally put forth all her means of influence to excite against us the countries on our north-western frontier, and thus to disturb the tranquillity of our Indian empire, how much more serious would have been the danger produced by the exertions of her authorized and avowed agents. It became, therefore, the duty of the Government and the Governor-general to take the necessary steps for altering the then existing state of things, which rendered such danger possible, and which if not prevented by timely measures might at some future period come upon us suddenly, and produce disastrous consequences. It is, therefore, nonsense to say, that we should have gone to the Black Sea or to the Baltic. The danger was in Affghanistan — from the hostile feeling of those in power there —from their energy—from their turbulence—from their treachery, and from the impossibility of establishing with them any permanent relations of friendship. The only course left for us was that course which Lord Auckland determined to adopt, namely, to establish in Affghanistan some more friendy authority with which relations of peace might and should be permanently formed. But, Sir, the hon. Gentleman the mover of the resolution says that he is a friend to justice, that he loves reason, and likes to apply a remedy to the evil, and to nothing but the evil; and he says, nothing could be so unwise, nothing could be so unjust, as to direct our measures against Affghanistan. More wisely, if not more justly, says the hon. Gentleman, you might have taken possession of the Punjaub—you might have dispossessed our old ally, Runjeet Singh—you might have taken Gwalior and have occupied Scinde; and so, with the Indus for your frontier, you would have been in a proper position to meet and repel any danger. Really—for an hon. Member who talks of public and national probity, who stands here on political honesty, who professes to be shocked at want of principle wherever he sees it, and who prides himself upon redressing a wrong where the wrong is to be found, and objects to all but the most straightforward integrity—really, for such a Gentleman to propose sending a fleet to the Baltic and the Black Sea, against a power with which we were at peace, and which had disclaimed any hostile intentions, and to recommend seizing the Punjaub and Scinde the possessions of unoffending allies in order to guard ourselves against the treachery of Dost Mahommed and the Sirdars of Candahar, is, to say the least of it, a very odd proposition. The hon. Gentleman seems to have a great feeling of sympathy for the Affghans, and has taken them under his peculiar protection, and that is one reason which makes me more indifferent to the censures of the hon. Gentleman. When I find that the hon. Gentleman has set himself up as the champion and defender of Akhbar Khan, I conceive I need feel very little uneasiness at censure proceeding from him. The hon. Member has stated that Akhbar Khan was a brave man, and, though some thought him a mistaken man, yet, he did not share in that latter opinion. A mistaken man! Yes, he was a mistaken man, he had committed a mistake, which if discussed in Europe among men of civilised usages and habits of thought must indeed be leniently dealt with to pass by that name—he had made the mistake of murdering a man who had placed himself in his power, trusting to his honour and good faith, and that man an envoy, a character sacred among all nations. He had made the mistake of giving up to massacre thousands of people who had made a capitulation with him, by which in return for his solemn promise of safe conduct they had bound themselves to do all he had any right to demand, namely, to evacuate his country. I am of opinion that those who hold that our invasion was unjust, are not entitled to consider the resistance made to it by the Affghans as a crime deserving of punishment. I mean resistance, so far as it was carried on consistently with the solemn engagements entered into by those by whom it was offered. But when I hear an hon. Gentleman setting himself up as the defender of Akhbar Khan, who violated capitulations, who gave up to massacre not only armed troops who had surrendered to him and trusted to his good faith, but multitudes of unarmed camp-followers, against whom he could have no legitimate ground of resentment; I own I am utterly astonished at the hon. Gentleman's undertaking such a task. But, I say, Sir, that the danger to our Indian empire was notorious, and imperatively commanded that course which Lord Auckland pursued, and which the Government at home sanctioned and instructed him to adopt. It was the only course calculated to avert the danger at the moment, and prevent a recurrence of the same perils in future. But we have been told that Shah Soojah was not a man whom we ought to have taken up, and that he was unpopular. My noble Friend has read proofs that such was not the opinion of those who were best enabled to form an opinion at the time when the decision was taken. But does the question rest simply on the opinion of these Gentlemen? Why what actually took place when our army, after the capture of Ghuznee, had arrived before Cabul? Dost Mahommed came out to meet us with an army mustering from 12,000 to 14,000 men. What followed? Why, the Affghan army, after drawing up in order of battle, told Dost Mahommed that they were not going to fight for him —that they were going over to Shah Soojah, and he retired with a body of not more than 400 horse; and this, forsooth, was a proof that Shah Soojah was unpopular—was odious to the people! If he had been so, it was indeed possible that after our brilliant victory at Ghuznee, the Affghan army would not have chosen to measure weapons with the British troops; but would they have gone over to Shah Soojah? They might have retreated further north to a stronger position, but the fact of their having gone over to Shah Soojah, was a decided proof that at that time, at least, he was not unpopular. But during the following two years what proofs were given of Shah Soojah's unpopularity? It has been said that he reigned in the midst of insurrections; I have not heard what these insurrections were. I do not believe that these insurrections existed. In Eastern countries it is well known that the same order and obedience to the power of the law which exist in civilised countries do not prevail, and that in those countries there are frequently disturbances on account of resistance to the payment of imposts and tributes; but I believe that no disturbances other than are common in oriental countries, took place, during the first two years of Shah Soojah's reign. What, then, was the cause of the final insurrection? I believe the cause to have been that, our agents in guiding by their advice the political conduct of Shah Soojah in the administration of affairs, had proceeded a little too rapidly in endeavouring to establish order and law. Their object was to protect industry—to give security to the agriculturist and the merchant. But this system of Government did not suit the turbulent habits of the highland chiefs. These men felt that their consequence was diminishing, and it was a feeling of this nature—a feeling like that once entertained under similar circumstances by the highland chieftains of Scotland that prompted the outbreak—it was the novel resistence beginning to be opposed to their violence by laws—it was their feeling themselves compelled to practise justice to their fellows—it was this which really gave rise to the revolt. But was that revolt a proof of the impolicy of our original measures? I deny any such inference. I say that nothing has happened — that nothing has been related by those who were eye-witnesses of all that happened—to justify such a conclusion. On the contrary, no man can have read the accounts published of the events which occurred between the murder of Sir William M'Naghten and the annihilation of the retreating troops, without seeing that there were many occasions, many opportunities in which promptitude and decision and military skill might have averted impending calamity. I say, Sir, that our original measures were justified not only by the fullest considerations of national policy but by absolute necessity. I say, that nothing which has since occurred tends to show that those measures were not wise as well as necessary; and I say, therefore, casting aside, as not deserving of answer, the imputations which have been thrown upon our motives—for surely no rational man can imagine that we could be actuated by any motive than a sense of public duty—I say, that in these papers which we have laid before Parliament and the country, will be found a full justification of the course which we adopted. We are content to rest our defence upon the papers which we laid before Parliament. But if the Government were to form a different opinion—if it were to consider it right that other papers in addition to those we have submitted to the House, should be laid before it, I am sure, as far as I and my noble Friends are concerned, we should feel not the smallest objection that every word written by us upon these matters should be made public. With respect to myself, I can say that nothing would give me personally more satisfaction than that every line which I wrote during the period I held the seals of office should be laid before the House. But, Sir, it is manifest we never pretended that the papers which we submitted contained the whole of the despatches of which they were in many cases only extracts. It would be most injurious to the public service, and my words are corroborated by those of the right hon. Baronet opposite — it would render the maintenance of peace almost impossible, if all that your agents must in the performance of their duty write to you — if every opinion which they may give—if every report which they may hear to the disadvantage of this or of that government—if every hearsay statement with regard to the conduct of this or of that individual all of which it is their duty to transmit were to be laid before Parliament. Such a practice, if permitted, would make it impossible for a country to maintain friendly relations with any power in the world, unless, indeed, that were to happen, which would probably be the consequence, namely, that your political agents, foreseeing the fate which would attend their communications, should cease to write for the information of Government, should cease to give that full and unreserved communication, which it is their duty to send, for the information of the Government by which they are employed, and should write only for the House of Commons. If such publications were to be made, your diplomatic agents would soon take care that their despatches, when produced, should create neither mischief to the public interests nor injury to their own professional prospects — but they would be useless agents—the Government would have no knowledge of what it ought to learn, and the greatest detriment to the public service would be the result. And, therefore, those Gentlemen who now, for the first time, find out that official despatches are given by extracts, and who imagine that they have made a mighty discovery, only show their ignorance of the course of public business. I do not know that I have omitted to touch on any other point of importance. I shall not, after the admirable way in which my noble Friend near me has touched on the general course of the foreign policy of the late Ministry—proceed to any defence of myself, from the attacks which have been made upon me. I only say, that the policy of which I was the organ, was, as my noble Friend has stated, the policy of the Government of which I was a Member, the labour, indeed, and toil, and restless activity attributed to me, belonged to the head of the department, and so fell to my share But with respect to that policy, I will say, that in the ten years during which we held the seals of office, it was eminently successful. I say, Sir (and I am glad to inform those hon. Gentlemen, who will, no doubt, be greatly delighted at hearing this piece of historical information), that our foreign policy was eminently successful; that we engaged in many great and important transactions; that those transactions were invariably brought to a conclusion, according to the views of the British Government; that although at many periods there was great danger of disturbance to the peace of Europe, yet we—endowed, as the hon. and learned Gentleman has sneeringly said, with some miraculous power of running near the brink of danger, but never into it—succeeded in maintaining the peace of Europe: and though we have not been so fortunate as to meet with the approbation of Gentlemen opposite who are so loud in their cheers, yet I greatly suspect, that if the result of our policy had been the reverse of what it was—if we had supported and established despotism in Portugal and Spain—[*Cries of* "Oh, oh!" *from the Ministerial Benches.*]—if we had employed a military force in crushing the independence of the Belgian people — though we might have been ashamed of the results of our policy, we should have been greeted by the acclamations of those who now heap on us their vituperation and censure.

Sir *R. Inglis* said, that if the doctrine laid down by his right hon. Friend were good for anything, it must stop inquiry into any questions of a similar character to the subject of this motion. He was not one who idolized the privileges of that House; but, on the other hand, he did not wish that the House should abrogate one of its most important functions. He wished to know if that House were not to inquire into a subject brought forward in one of the most remarkable speeches he had ever heard — what his right hon. Friend's definition of the functions of the House of Commons, was as to the right of investigation? Were they to be confined in their inquisitorial powers to the asserting whether a sheriff ought or ought not to be committed to prison? Were they to assert to morrow that a sheriff's officer should be imprisoned for serving a subpœna on one of their own officers, and yet not decide on the policy of war attacked on such grounds as those brought forward? If this argument were well founded, in what, he should like to know, did the inquisitorial power of the House of Commons consist? But it was said that the hon. and learned Member had not appealed to the Parliament that had sanctioned this proceeding? But was it not a Parliament called together, not by his right hon. Friend, but by the noble Lord the Member for London? Surely, the noble Lord was not the person that should object to the tribunal. But the objection was now made to the language in which the motion was made. Now, he must say, that from adversaries who characterised the speeches which they condemned as "nonsense," and as proceeding from "ignorance and calumny," this charge came with a bad grace; and they rather act upon the principle *veniam petimusque damusque.* ["Oh."] Many of those who cried "oh" did not hear the opening speech of the hon. and learned Member for Bath; and he noticed that that the two noble Lords who had spoken from the opposition side were deserted not only by those on the second row, but even by the usual supporters of the late Government. ["Oh."] He saw one hon. Gentleman to whom his remarks applied, and he should certainly demur to his authority as to the justness of the attacks of the two noble Lords on the hon. and learned Gentleman. He should say, in conclusion, that having come into the House without having made up his mind as to the vote he should give, and determining to be guided alone by what he heard, he must say that neither the noble Lord opposite, nor his right hon. Friend, had advanced any reasons sufficient to induce him to negative the motion; and he should, therefore, give it his warm support.

Mr. *W. O. Stanley* said, as the hon. Baronet has, as I understood, alluded to me as not having been present when the charge was made, and when the answer was given, I beg to tell him that I was present throughout the debate. [Sir R. Inglis was understood to say that he did not allude to the hon. Member]. As the hon. Baronet challenges my right of judgment on that wrong assumption, I hope he will now permit me to tell him what the state of the House really was when the speeches alluded to were delivered. During the vindictive speech of the hon. and learned Member for Bath, the House was crowded, but few of the hon. Gentlemen opposite remained to hear the arguments brought forward in answer.

Lord *J. Manners*: I do not mean to allude to this dispute; but as a humble Member of this House, I must express my sense of the debt which this House and the country owe to the hon. and learned Member for Bath, for the fitness and propriety of this motion, and thus giving us an opportunity of expressing our contrition for, and our disapprobation of, the injustice of the Affghan war, and of (as far as it is now possible), washing away the stain which, in my conscience, I believe that act of injustice attached to this country.

Mr. *Protheroe* rose in consequence of what he believed to be a direct attack upon him by the hon. Baronet the Member for Oxford. He laboured under the disadvantage of being near-sighted, but he believed the hon. Baronet meant him when he said he saw an hon. Member endeavouring to put him down. Now, he was the last man to be guilty of such a proceeding, but he admitted, that he did make a very loud exclamation when he heard the hon. Baronet say that not many Members on that side of the House had heard the language of the hon. and learned Member for Bath — language which he (Mr. Protheroe) thought extremely vituperative. He also thought the hon. Baronet bore rather harshly upon the two noble Lords who had attempted to listen to the attack made on the policy of the late Government by the hon. and learned Gentleman, and that had certainly led him to make rather a loud exclamation, but he had not intended it as anything disrespectful to the hon. Baronet.

Sir *R. Inglis*: Though I incur much hazard by the avowal, I assure the hon. Gentleman he was not the Member I allude to. I am sure I betrayed no intemperance of manner. I certainly thought I indulged in no remarks which might not with fairness be applied to a somewhat younger Member.

Mr. *Roebuck* in reply, said: Sir I congratulate the Members of the late Government on the support they have this night received from the right hon. Baronet; and if he and they will permit me, I shall venture a prophecy on the occasion. It is this; that the time will come when it may be suggested in one of our party debates, "Oh, recollect the painful motion with respect to which we treated you with candour and generosity; and, as we gracefully rowed off in that favourite bark for slurring over a difficulty, that the time had passed for inquiry, you should never forget that we used all our influence, as a government, to prop your policy." But before I address myself to the arguments in answer to my statement, let me, for a moment, apply myself to the language used respecting it. One hon. Gentlemen says, I made a vindictive speech. I suppose that is Parliamentary though it implies a bad motive. I saw you passed it by, Sir; and therefore it must be Parliamentary. The noble Lord, again, says that I was guilty of a "libel." [Lord *Palmerston* disclaimed having said so.] Oh, we have two of them in this debate; and I took down the words of the noble Lord the Member for London. He said I had indulged in "abuse, calumny, and vituperation," and that I was guilty of a libel. Now, I want to know for what that language was applied to me. I described acts, I characterised them, and of course applied epithets to them. And what were the acts? I stated that the Governor-general of India published a declaration setting forth as a fact that which was not a fact. Has anybody dared to say that that assertion was false? What was the declaration? That Shah Soojah was taken to his own country by his own troops and placed on the throne. Well, the right hon. Baronet (Sir R. Peel) by the words he read from Colonel Dennie, confirmed the truth of my assertion. Why, then, have not those who are such sticklers for precision of language the accuracy as well as the courage to repel this fact? It is true that this is in the proclamation? I say it is to be found there. Is the impression it conveys true? I say it is false, even though I may be called a "libeller." I next endeavoured to show that this was unjust. Has anybody pretended to prove it was anything else? I endeavoured to show that, by the international law prevailing amongst all civilised communities it was an unjust war. Has any one gainsaid that position? Is it for using the word unjust, then, that I am to be called vituperative, calumnious, and vindictive? I went farther, and said it was an impolitic war. Is that the word you complain of? But, perhaps, it is "the mischievous activity" of the noble Lord which you are so sore about? Is that the phrase which has so ruffled the temper of the noble Lord. But is the word mischievous so harsh a word that I should be charged with libelling because I used it, and should the noble Lord the Member for London feel really so hurt by it that he should be induced to scold me very much, though I cannot say he answered me? I leave the noble Lords, being quite willing that it should go forth to the public that I offered to prove a false declaration was contained in your Governor-general's proclamation, and one hat was derogatory to the honour of the country, and that they denied me the opportunity of proving it. I re-assert and I stand by it, very little caring whether my doing so be called a libel or not; that such a proceeding is derogatory to the honour of the country. You should prove me wrong, however, before you hazard the accusation that I am a libeller. But what says the right hon. Gentleman (Sir R. Peel)? He maintains this motion is not made in proper form, and that you are about to usurp the functions of the executive Government, and thereby (the usual favourite argument) encroach on the prerogative of the Crown. Do not, says the right hon. Gentleman, sanction such a precedent. Now, if this appeal to precedent is not one of those broken reeds which the right hon. Gentleman now and again rests on to fling aside the next minute, I will supply him with a precedent and a fact. And let me caution the House how they, by refusing the inquiry, establish a new precedent to shut out inquiry for the future. I have no doubt the right hon. Gentleman feels I am about to refer to the Walcheren expedition. The terms of the motion then made were these:—

> "Lord Porchester moved for a select committee to inquiry into the policy and conduct of the late expedition to the Scheldt."

And that committee was not only granted, but a secret committee was also appointed for examining certain secret papers. Well, this usurpation of the prerogative of the Crown was permitted by the House of Commons. I hope the right hon. Gentleman will not lean on a reed that will pierce his own hand. How will the right hon. Gentleman get over the difficulty of such a precedent? It was a military expedition: the fate of the Ministry turned on the decision, and as a consequence of it, the Ministry went out of office. How did it differ from this case? Why, the former Ministry went out after inquiry, and the latter before it. Does it make any difference to the people of Enggland whether the Government is out or in, that I say undertook a war that was both unjust and impolitic? The book I hold in my hand proves that the facts on which the Government rested were garbled, and this by an appeal to the eye rather than to the understanding. If I prove one instance, it will be enough. Lord Auckland had declared—and the declaration has been repeated by the noble Lord the Member for Tiverton this evening—that Sir A. Burnes had represented that Dost Mahommed had desired to obtain possession of Peshawur, and that it was his dangerous intentions with respect to that territory which led to the war. What do I say? I accuse you broadly, and without equivocation, of misrepresentation on that point. Let me tell the noble Lord the Member for Tiverton, that I am not accustomed to use twisted and contorted phraseology, which is grammatical in form, and satisfies the ear without reaching the understanding. I sometimes see exhibitions of that description, which appear to be much admired, but I confess the admiration of them does not extend itself to me. I speak in a straightforward, plain, blunt manner. No one, I believe, ever mistakes what I intend to convey. [*Cheers*]. I know not what hon. Members mean who cheer; but I do now intend distinctly to say I will prove that in one instance you (addressing the opposition bench) have falsified the evidence. Now, do you understand me? I allude to a despatch from Sir A. Burnes to Sir W. M'Naughten, dated Cabul, July 26, 1838. It is No. 5, and at page 22 in the Blue Book. I am about to read the 13th paragraph of that despatch; at least, I will refer to what they have put in the book, and then make an addition from the original despatch, which I think is very significant. The extract given in the Blue Book, goes no farther than to say, that Dost Mahomed had designs on Peshawur, and there it stops; but reading on from Sir A. Burnes' letters, it appears that the writer adds,

> "It seems that the chief is not bent upon possessing Peshawur, or on gratifying his personal enmities, but that he is simply securing himself from injury."

All this is left out. The despatch goes on to say, that the views stated are worthy of consideration, and the more so when an avowed partisan of Dost Mahommed Khan supported them. All that I have read from the pamphlet in my hand is left out in the Blue Book. Any Member may see how much is left out. [Here the hon. Member held up the pamphlet.] All the passages which are marked are omitted in the Blue Book, and I will not detain the House by reading them. I have brought forward one palpable instance of falsification. I have shown the House that Sir A. Burnes stated that Dost Mahommed did not desire to make an attack on Peshawur, but that he merely wished to defend himself against aggression, and yet you come forward and state, as distinctly and broadly as I now state the contrary, that Sir A. Burnes stated that, Dost Mahommed did intend to possess himself of that territory. If I wanted arguments in support of my proposition, I should have asked the noble Lord the Member for Tiverton to make the speech he delivered. The right hon. Baronet said it was a pity I had not submitted a resolution directly condemnatory of the noble Lords' policy. That had previously been suggested to me by Members of this House from whom I am glad to receive suggestions; but my answer was, that I did not think it fair to do so. I thought it the fairer course to inquire, before condemning. If I can make out a case of suspicion, the onus is on you to exonerate yourselves. I have made out such a case, and I am willing to go to the country on the accusation. You shrink from inquiry—you ride off on your hobby about invading the prerogative of the Crown. I demand inquiry for you. Are you willing to let me withdraw the motion and put it in the shape of a direct accusation? I am willing and prepared to do so. One more observation, before I have done, on what has fallen from the noble Lord the Member for Tiverton. The noble Lord said, that he went to St. Petersburgh, not with a fleet, but for the purpose of demanding explanation—that he obtained it, and it was perfectly satisfactory. There is a sort of "presto ho! begone!" in the noble Lord's mode of reasoning. He says he got a perfectly satisfactory answer at St. Petersburgh; but still he apprehended danger from Russia, because the Russian agents would not conduct themselves properly. Was this after the perfectly satisfactory explanation? [An hon. *Member*: No—before.] The noble Lord demanded explanations from Russia as early as December 20, 1838. I will take it either way. Supposing it was before the application for explanation, then the satisfactory explanation covered the conduct of the Russian agents; if the misconduct occured after, why did not the noble Lord again seek for explanation before he went to war? I say, that the invasion of Affghanistan was a rash, hasty, and ill-considered movement. You call that "vituperation" and "libel;" but sure I am, that the sober, steadfast opinion of the country will decide that you have made an unjust and impolitic aggression, and it will also say that you have made an unworthy defence of your conduct. The right hon. Baronet said, that this is not the right time to seek for inquiry. He has been answered upon that point by the hon. Member for Oxford. When are we to have inquiry? When inquiry was asked for during the operations, we were told, "for God's sake do not interrupt our progress,—you will dispirit the troops and endanger the success of the operations. Wait till the war is over." We came last year. A motion was made for papers—for papers only. Hands were held up in amazement; and the language used was, "We are not out of the scrape yet; for Heaven's sake wait till the war is over." Well, the war is over; but still it is not the right time for inquiry. I will ask another question. I want to know who is to pay the bill? That is a very important question, both as regards India and England. If the

House of Commons is to be called upon to pay any portion of the bill for the Affghan war, I say that we as conservators for the public purse of England, have a right to inquire into the policy of that war, and I pledge myself to the right hon. Baronet that if, on hunting out the estimates, I find that one tittle is to go for payment of the Affghan war, I will insist on the privilege of this House to inquire its origin, whether it trench upon prerogative or not. If the expense of the war should fall upon India, I ask whether in that case we are not bound to inquire? The East India Company knew nothing about it. You have annihilated the court of directors as governors of India, and the government of that country is transferred to the Treasury Bench. You made war in India not for Indian interests, but for European interests. Why did you go to war? Because you were afraid of Russia obtaining our possessions in the East. That is your language [*Expressions of dissent.*] What! is it not? Then you did not fear Russia? If you were not afraid of Russia obtaining our Indian possessions, then, in the name of all that is just and decent, why did you go to war? I charge on you that you have done injustice. I charge you with having done gross injustice to the people of India—you have committed direful iniquity against the poor people of Affghanistan. The noble Lord the Member for Tiverton, in that sort of tripping, jaunty style in which he indulges, has chosen to talk of my having constituted myself the defender of Akhbar Khan. I said, that Akhbar Khan, in following out the lights of his morality, might have thought, that in defence of all that was dear to him, he was justified in everything he did. Now, can anybody pretend to find fault with me for saying that? I say I have no doubt that in Asiatic morality it will be considered that Akhbar Khan has not been guilty of any very great crime; but we having morality of a higher degree, and enjoying the advantages of civilization, broke through the rules of our morality, and committed what we ought to know and feel to be an immoral act. I say, that the half-educated savage, judged of by the morality of his nation, cannot be pronounced guilty. Am I to be taunted for this? What has Akhbar Khan done worse than has been done by men who are held up to our admiration? Are we not, as boys, taught to admire Brutus when he struck down Cæsar as the enemy of his country's liberties? Are we not taught that the two Grecian youths in Athenian history are persons to be admired as demi-gods who, yet, were no better than assassins? But let us place ourselves in the position of those whom we condemned. Let us suppose ourselves seated in an Affghan chamber, with Affghan mothers and Affghan children around us. Thinking, then, upon the events of the war, on whom, as Affghans, should we bestow our praise? On Akhbar Khan. And why? Because, judging by their morality, that was the man who had done us a service. I should be very unwilling that upon my head should rest the guilt of permitting the troops of this country to cross the Indus, or of the cruelties which had been perpetrated in India in the name of England. I am quite ready to appeal to the world, and to abide by its vote. I now solemnly appeal to the assembled Commons of England, in the name of honour, in the name of justice, in the name of mercy, for God's sake, to institute an inquiry on this subject, in order to put a curb on that unholy spirit of war which was manifested by those who were most eloquent in their admiration of peace.

The House divided:—Ayes 75; Noes 189: Majority 114.

List of the Ayes.

Acton, Col.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Bateson, R.
Blackstone, W. S.
Borthwick, P.
Bowring, Dr.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, C. L. C.
Campbell, Sir H.
Campbell, Alex.
Chetwode, Sir J.
Christopher, R. A.
Collett, W. R.
Cripps, W.
Currie, R.
Dashwood, G. H.
Dickinson, F. H.
D'Israeli, B.
Dowdeswell, W.
Duncombe, hon. O.
East, J. B.
Elphinstone, H.
Escott, B.
Fielden, J.
Fellowes, E.
Ferrand, W. B.
Fitzroy, hon. H.
Forbes, W.
Gladstone, Capt.
Godson, R.
Gore, W. R. O.
Grogan, E.
Hamilton, Lord C.
Henley, J. W.
Hughes, W. B.
Humphrey, Mr. Ald.
Inglis, Sir R. H.
Knight, F. W.
Lawson, A.
Lennox, Lord A.
Leslie, C. P.
Lockhart, W.
Mackenzie, W. F.
Mc Geachy, F. A.
Mainwaring, T.
Manners, Lord J.
Marsland, H.
Martin, T. B.

Master, T. W. C.
Mordaunt, Sir J.
Morgan, O.
Northland, Visct.
Packe, C. W.
Palmer, R.
Plumptre, J. P.
Praed, W. T.
Rashleigh, W.
Rous, hon. Capt.
Scholefield, J.
Sheppard, T.
Shirley, E. J.
Smith, A.
Smollett, A.
Stuart, H.
Strickland, Sir G.
Tollemache, J.
Trollope, Sir J.
Trotter, J.
Yorke, H. R.

TELLERS.

Roebuck, J. A.
Hume, J.

List of the NOES.

Acland, T. D.
Ainsworth, P.
Aldam W.
Archbold, R.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Beckett, W.
Berkeley, hon. C.
Berkeley, hon. H. F.
Bernal, R.
Blake, Sir V.
Boldero, H. G.
Browne, hon. W.
Bruce, Lord E.
Buller, E.
Busfeild, W.
Byng, rt. hon. G. S.
Childers, J. W.
Clay, Sir W.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Cochrane, A.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Colquhoun, J. C.
Corry, rt. hon. H.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Denison, W. J.
Denison, E. B.
D'Eyncourt, rt. hn. C. T.
Douglas, Sir H.
Douglas, Sir C. E.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Dundas, Admiral
Easthope, Sir J.
Eaton, R. J.
Ebrington, Visct.
Eliot, Lord
Ellice, rt. hon. E.
Ellice, E.
Emlyn, Visct.
Evans, W.
Ferguson, Sir R. A.
Fitzmaurice, hon. W.
Fitzroy, Capt.
Flower, Sir J.
Forster, M.
Fox, C. R.
Fuller, A. E.
Gaskell, J. M.
Gill, T.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, hon. R.
Goulburn, rt. hon. H.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Grimston, Visct.
Halford, H.
Hallyburton, Lord J. F. G.
Hamilton, W. J.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Hayter, W. G.
Heathcote, Sir W.
Herbert, hon. S.
Hervey, Lord A.
Hill, Lord M.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Hope, G. W.
Horsman, E.
Howard, hn. C. W. G.
Howard, Lord
Howard, hon. H.
James, W.
Jermyn, Earl
Johnston, Alex.
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Lascelles, hon. W. S.
Layard, Capt.
Lemon, Sir C.
Lincoln, Earl of
Listowel, Earl of
Lowther, J. H.
Lygon, hon. Gen.
Mc Taggart, Sir J.
Mahon, Visct.
Mangles, R. D.
Majoribanks, S.
Marshall, W.
Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. John
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morrison, J.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
O'Connor, Don
Ogle, S. C. H.
Ord, W.
Oswald, J.
Palmerston, Visct.
Pechell, Capt.
Peel, rt. hon. Sir R.
Pennant, hon. Col.
Philips, G. R.
Plumridge, Capt.
Pollington, Visct.
Ponsonby, hn. C. F. A. C.
Ponsonby, hon. J. G.
Pringle, A.
Protheroe, E.
Pulsford, E.
Pusey, P.
Reid, Sir J. R.
Repton, G. W. J.
Ricardo, J. L.
Rice, E. R.
Ross, D, R.
Rumbold, C. E.
Rushbrooke, Col.
Russell, Lord J.
Russell, J. D. W.
Rutherfurd, A.
Sandon, Visct.
Scrope, G. P.
Shaw, rt. hon. F.
Shelborne, Earl of
Smith, B.
Smith, J. A.
Smith, rt. hon. R. V.
Smythe, hon. G.
Somerset, Lord G.
Standish, C.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Sutton, hon. H. M.
Tancred, H. W.
Tennent, J. E.
Thornhill, G.
Towneley, J.
Tyrell, Sir J. T.
Vane, Lord H.
Waddington, H. S.
Ward, H. G.
Watson, W. H.
Wawn, J. T.
Wellesley, Lord C.
Wilshere, W.
Winnington, Sir T. E.
Wood, B.
Wood, C.
Wood, G. W.
Wortley, hon. J. S.
Wrightson, W. B.
Wynn, rt. hn. C. W. W.
Young, J.

TELLERS.

Freemantle, Sir T.
Tufnell, H.

House adjourned at a quarter past twelve o'clock.

HOUSE OF LORDS,

Thursday, March 2, 1843.

MINUTES.] BILLS. *Public.*—3ª· and passed:—Coal Venders Penalties.

Private.—2ª· Lady Fleetwood's Naturalization.

3ª· and passed:—Jackson's Divorce.

PETITIONS PRESENTED. By the Earl of Powis, Lord Kenyon, and the Bishop of Ely, from Colwyn, Newtown, and an Association at Bath, for Church Extension.—By the same, from Ely, Sudbury, Falmouth, Cirencester, Llandovery, Hope, Colwyn, Caerwys, and Cwm, against the Union of the Sees of St. Asaph and Bangor.—From Whitburn, for Settling the Scotch Church Question.—From Llandovery, for an Alteration in the Usury Laws.

CORPORATION OF LONDON.] Lord *Brougham* rose to call the attention of their Lordships to a subject which he deemed to be of the greatest importance to the due administration of justice, in no less a city than the metropolis of this empire, and equally important to the due management of the police, as well as the general affairs of London. He thought he should not proceed far in the statement he was about to make to their Lordships before he satisfied their minds that not the city of London alone, not the inhabitants of the metropolis alone, were deeply interested in this question, but the whole people of the realm. It was in the recollection of their Lordships that the Government with which he had the honour to be connected for several years issued, at the recommendation of the other House of Parliament, and with the entire concurrence of their Lordships, a commission for investigating the constitution and affairs of the municipal corporations of the country. That commission, under a late hon. and learned Friend of his, whose loss he himself, as well as his fellow-subjects at large, had reason to deplore—he alluded to Mr. Blackburn, inquired into the constitution and affairs of the corporations, and after a year and a half spent in that inquiry, they presented to the Crown a most elaborate report. He wished on the present occasion to refrain from dwelling on a subject on which he knew there had been differences of opinion in that House, namely, the manner in which the trust was performed by the commissioners; but of this, at least, there could be no doubt, that they had executed their office laboriously. Although much of the report was devoted to the consideration of the affairs of the municipal corporation of London, the bill which was founded on it embraced only 178 of the corporations in the country; but did not comprehend the metropolitan corporation. That being so, the question naturally arose whether there were any intention to stop short at Temple-bar, and confine the benefits of reform to the lesser corporations. To an interrogation to that effect Lord John Russell immediately answered, that there was no such intention whatever; but that Government were deterred from taking up the question in the mean time by the great importance of the subject, the difficulties which attended it, and the complications resulting from the extent of the field it embraced, and that it was postponed only that it might be made the subject of a separate measure. A bill, therefore, was promised after the other corporations should be disposed of. Those corporations were changed in their constitutions by the measure which passed late in the autumn of 1835; but 1836 elapsed, and 1837, and 1838, and 1839 too, without a word being said of the corporation of London, of the proposed measure by which the promise that had been made was to be fulfilled. Something, however, took place in 1839, which threw light on the reasons why the postponement had taken place, and why it appeared to be without limits. He mentioned this without any invidious intentions whatever; but, on the contrary, in vindication of his noble Friend in the other House. A Metropolitan Police Bill was brought into the House of Commons, which was to effect a great and salutary change in the whole system of metropolitan police, the first ten clauses being devoted to the police within the walls of the city of London. The bill proceeded, and excited no opposition, as seeming so much a matter of course, but all of a sudden reference was made to a committee; and when those who were watching the proceedings of their representatives in Parliament were questioning among themselves how it happened that this bill should be so suddenly, and in the first stage, referred to a committee, it somehow or other oozed out that there had been held certain meetings and conferences, that explanations had taken place, that there had been complaints on one side, and defences on the other, and promises had been made to stop the mouths of the complainants. It was found that the city did not approve of the bill; that the citizens did not extend to it the favour which it found everywhere else among the lovers of good government, and of systematic and efficient police, the greatest benefit that men living in a social state could enjoy, and for the purposes of obtaining which they were so ready to give up not only much of their property, but many of their rights and liberties. The love of an efficient and vigorous police, constituted on reasonable principles and purged of all jobs, which prevailed over the rest of the metropolis, and found a response in every bosom in London, Southwark, and Westminster, stopped short at Temple-bar, and did not pass that sacred boundary to the eastward; it was shared, indeed, by the mass of the householders, who had the greatest interest in the question, but not at all by those who assumed to represent them—the corporate body, aldermen and common councillors. Accordingly, taking an accurate observation of the state of the Government in the other House, discern-ing that their majorities were exceedingly small, varying from two or three to five—five was a great majority—the city gentlemen discovered that they had no small weight with the Government; and came to a common understanding as to the result of the committee appointed to examine the bill. On the 11th of June, 1839, Mr. Fox Maule rose and said, that he was happy to inform the House that the committee had come to the unanimous opinion (he should like to know what was the constitution of the committee) that the police of London should be left to those hands to which it was at present intrusted, convinced, as the committee were, that a good and efficient system would not fail to be established under their superintendence; whereupon he moved, that the whole of the clauses relating to the police of the city should be struck out of the bill, which was instantly agreed to. Consequently the bill was made as little to affect the city as the Municipal Bill of four years before; the intention of extending the police clauses to the city being finally given up. But had every committee on the police of the metropolis come to the same conclusion? Far from it. The committee which sat on that subject before, said in their report—

> "If a scheme could be contrived for the purpose of increasing vice and crime, nothing could have been better calculated than the system of police in the city of London."

Two reports more totally different, one from another could not be imagined; but unfortunately they came from the same venerable quarter—the House of Commons being the deliberate opinion of two committees of that assembly. One said that nothing could be better than this system—the other, that nothing could be worse. A wider difference could not exist, and he was inclined to ask himself what could be the reason of this extreme diversity of results. Probably the reason was, that in the case of the latter committee the conclusion to which they came was forced upon them, and not embraced by them; that the first committee, which said nothing could be worse, dealt with the merits of the case; while the second, which said nothing could be better, wanted to get rid of the difficulties of the first ten clauses. He protested he had never, in all his experience, seen so strong a censure, so unsparing a condemnation, passed upon any system whatever, above all upon any system venerable from its antiquity, and, most of all, upon any system touching nearly the administration of justice. He could only explain the delays which had taken place from 1835 to 1839, when a partial reformation was begun and abandoned, and again from 1839 to 1841, by the supposition which was perfectly consistent with the known fact, that the Government of that day could not carry the measure. Therefore he imputed no blame to his noble and right hon. Friends for not redeeming the pledge they had given; but that was no reason why Parliament should not see that this pledge was redeemed under a Government which, he prayed their Lordships to observe, had not the same defence to make, and had no lack of supporters either in that or in the other House of Parliament. The present Government could well afford to lose the votes of the four city Members, whether they were to confine their hostility to the individual measure which it was the duty of Ministers to propose on this subject, or were to threaten to go into uniform and decided opposition. He was confident that his noble Friend (Lord J. Russell), who had given a pledge to bring in a measure of municipal reform for London when he was not a Member for the city, would feel the more bound to redeem his pledge now, inasmuch as formerly he was consulting only for the good of the people at large, and considering corporate reform for London as a part of his general scheme, whereas now he was bound to watch over the interests of his constituents, and those interests pre-eminently, which by a paramount title, required that that measure should be by him supported. He was sure, therefore, that his noble Friend would redeem the pledge he gave as Member for some place of less note. He would remind their Lordships of the nature of the report then presented to her Majesty in council. It was thus stated by Lord J. Russell, March 5, 1835, when presenting the Municipal Reform Bill:—

> "The existing municipal corporations neither possess nor deserve the confidence of her Majesty's subjects, and a thorough reform must be effected before they can become what they ought to be, useful and efficient instruments of local government."

Upon that report the Municipal Bill was founded and passed. If the smaller corporations throughout the country needed Reform, he would maintain that the metropolitan corporation required it a great deal more, and was, in its various departments, entirely deserving the name heretofore given it of the giant of abuse of that class. Its vast importance, from the numbers of the population over whom it possessed authority, the wealth which it partly distributed and misapplied, and partly prevented from being accumulated, the influence which it derived from its ancient fame, and the immortal services it had rendered to the state at all times from the power it possessed over the community, beyond all the other corporations which they had reformed, made it deserving of the fatherly but scrutinizing care of the Legislature. He wished to guard himself against the possibility of being supposed to speak of the corporation of London with anything in the remotest degree approaching to bitterness or disrespect. It would in him be contrary to the feelings which he most cherished towards that great body, it would in him be ingratitude, as well as inconsiderateness; for he had the high honour, which he prized beyond almost anything that had befallen him, of being himself a member of that corporation. The honour had been conferred upon him, in conjunction with his colleague and friend, the present Chief Justice of England on receiving, on one famous occasion, the freedom of that great corporation. He had the further honour of being chosen a member of one of the greatest of all the companies connected with the corporation. If it would be ungrateful in him, as a member and freeman of the corporation, to treat its name with anything approaching to bitterness or disrespect, it had a higher title to reverence on grounds common to their Lordships, and to all the subjects of this free and happy country, and which would make it unpardonably ungrateful in any one to forget that in the city of London the liberties of England had found a nurse and a shield as often as a tyrant ventured to assail them. Both in the middle of the 17th century, when our liberties were contended for in the battlefield, and at the end of that century, when they were established by legal enactment, it was chiefly by the exertions of the citizens of London that the civil and religious rights of their countrymen were preserved. But the gratitude he felt for past services did not blind him to the existence of present abuses. The feeling of veneration he entertained for this great metropolis and its corporation did not prevent him from seeing that things were wrongly managed therein, and that a reform of abuses would not only essentially improve it and redeem it from the censure under which it now lay, but was now become absolutely and indispensably necessary. Although such an assertion, under ordinary circumstances, and in opening a common case, might seem imprudent and rash, he ventured to say that he would place before their Lordships statements of facts that would make it impossible that those grievances could much longer exist, and, with respect to one, perhaps the worst of them, he would take on himself to say, that when he had concluded his statement, it would, without waiting for the course or operation of the law, have reached its latter end. He pledged himself before their Lordships that he should make it utterly impossible for the very worst of these abuses of which he was about to complain, to be continued after the exposure of that evening. He should begin with the facts which lay at the very foundation of the question, and remind their Lordship of what was the municipal constitution of this famous corporation. The government was vested in a mayor, a court of aldermen, and a court of common councilmen, a form which offered a remote and illusive resemblance to the constitution of this kingdom. The common council consisted, properly speaking, of the mayor, aldermen, and common council. The common council were the commoners of the city, its elective body, somewhat analogous to, though totally different in all material respects from, the Commons House of Parliament, as the aldermen might be said to resemble their Lordships, and the mayor the Sovereign. Aldermen and common councillors were both elective officers—the aldermen chosen for life, and the common councilmen yearly. The city was divided into twenty-four wards, and each chose a certain number of common councillors and one alderman. The right of voting resided, not in householders, nor in freemen, but only in those who combined in themselves the character of householders and freemen, and who were rated at the amount of 30*s.* to the city rate. Every such person had a vote for an alderman in his ward when a vacancy occurred, and a vote for as many councilmen as represented the ward in the common council at every yearly election. Now, did this constitution secure in practice—what he freely admitted it might be supposed to do in theory — the accession to the body of aldermen and common councillors of the most important members of the civic community—he would not say the most respectable, for he admitted the respectability of all who composed the corporation. Had it secured the accession of the great merchants of the city to the management of the city affairs, and their participation in the municipal business? He saw on the bench opposite to him a noble friend of his who had once been at the head of a great commercial establishment in the city, and he would ask them, had it interested in the city concerns that great class—the most illustrious commercial men in the world—the Barings, the Grotes, the Prescotts, the Curtises, the Robartes, and the other magnates of the city. None of their names were to be found amongst the numbers of the corporation. On the contrary, civic honours it was well known all devolved on men in an inferior station to the great merchants of the city, and that was to be accounted for by the character and position of the persons in whose hands was placed the election of the councillors? The franchise was in the hands as he had stated, not of the householders, but of those who were both freemen and householders, and a householder, if he did not happen to be a freeman also, had no vote. Now, the freemen with some exceptions, certainly some very brilliant exceptions, formed a class of electors of a very inferior description, and by this inferior description of voters every ward in the city according to the common saying, was completely swamped. It was in the freemen that the elective power really resided. But were the numbers of the electors and elected well distributed? The very reverse. For the ward of Bridge, in which there were 198 houses, eight common councilmen were chosen. In the ward of Farringdon Without there were 3,030 houses, and that great ward returned only sixteen common councilmen, being double what Bridge ward returned, though, if the proportion were properly adjusted, Farringdon, instead of returning twice the number of Bridge Ward, ought to have returned fifteen times the number. Farringdon Ward contained fifteen times as many houses, and seven times as much property as Bridge Ward—a state of things which showed very clearly that there was nothing which approached a due distribution of the elective franchise in that faulty and vicious system; yet, in the body so chosen was vested the whole management of the revenue and expenditure of the city, as well as the administration of justice. The income of the city to which he would first call their Lordships attention, that was to say, the income under the control of the city, consisting of rents, fees, profits, &c., amounted at the lowest estimate to 690,000*l.* a-year, and this their Lordships would remember was not the income of the great metropolis of the country, but only one fifteenth part of the metropolis. The population of the city was 129,251, so that the income compared to the population of the city was more than 6*l.* a-head, while the income of the French metropolis amounted to only 30*s.* a-head on the population, and of that income, as a noble Friend near him reminded him, 40,000*l.* were voted for education alone, besides which very large sums were expended on other charities. To enter somewhat into detail, he found with a population of 129,251, the following funds under the control of the corporation:—Funds derived from rents, fees and taxes administered by the corporation in 1837, 542,229*l.* 12*s.* 2*d.*: poors-rates for the three city unions, about 80,000*l.*; parochial charities, 38,703 8*s.* 6*d.*; tithes and other rates, say 20,000*l.*; Royal hospitals, 128,763*l.* 15*s.* 5*d.*; charities administered by chartered companies, 85,685*l.* 18*s.* 8*d.*; total, 895,382*l.* 14*s.* 9*d.* He would next advert to the way in which the income of the City of London was expended. For the Mayor and his officers he found there was an expenditure of 17,500*l.* or, including the Mansion-house, the city Chamberlain, &c. the charge amounted to 25,000*l.* a-year. Connected with the administration of justice the charges amounted to 35,000*l.*, and this be it remembered, to govern 129,000 citizens—a large and liberal provision for such a purpose compared with the provision made for the administration of justice to the 24,000,000 of the whole country. The Lord Mayor as the head of the corporation gave large and expensive banquets, and some years ago her Majesty was graciously pleased to honour the city with a visit. So auspicious was the occasion considered, that a noble Lord a Member of that House, allowing himself to be led away into a kind of poetical exaggeration, had exclaimed *et soles, melius nitent*; a quotation which it might be necessary for him (Lord Brougham) to explain, the noble Lord meaning to say that in consequence of the Queen going into the city, the weather had changed. On that auspicious occasion, independently of the sumptuous repast, there was exhibited a profusion of plate, a heaping up of gold. But there was one thing which he did not expect to see, it constituted a curious *non sequitur*, because the Queen went to the city, therefore the sum of 360*l.* should be distributed to various persons in the form of gratuities, in fact in presents. To whom were these presents given? Of course, to the guests who were invited on that occasion, and to their attendants. No doubt his noble Friend near him, who then held the office of Lord High Chancellor participated and shared in the city bounty. [Lord *Cottenham* signified dissent.] Then my noble Friend actually received nothing? Perhaps my other noble Friend the then Attorney-General was more fortunate? [Lord *Campbell* said, "No, no."] Or perhaps his other noble Friend near him Lord Monteagle. ["*A laugh.*"] No, nor he neither. It then turned out that neither of his noble Friends or any Member of her Majesty's Government received any portion of that large sum which was so bountifully given away on the occasion when her Majesty dined with the civic functionaries. Who then, received these presents? He found that 50 guineas were given to the Chamberlain, and 50 also to the town clerk. It was an old saying, that "any excuse was good enough for a dinner," but it appeared that any excuse was good enough for giving presents. There was, however, a curious instance of charity standing side by side, with that charity of which he had been attempting a description, which began at home and ended at home. It was the kind of charity of which the evidence spoke, domestic in its nature—a charity which never stirred abroad. There was once a Sir Hugh Myddleton, who had been, as their Lordships well knew, a great benefactor to the city. It was found that the lineal descendant of that individual, whose memory was highly respected, was in a state of poverty, and the city authorities thought, that on the occasion of her Majesty's visit, they could not do better than contribute to the relief of her necessities. Well, what did their Lordships think was the sum allowed this person? It was agreed that she should have 3*s.* a-day. Fifty guineas were given, as he said before to the Chamberlain, and 50 to the town-clerk, and various sums in other quarters, making in the aggregate 400*l.* in presents for that day, and to the lineal descendant of that great city benefactor, Sir H. Myddleton, 3*s.* a-day, being at the rate of 18*l.* 4*s.* per annum. [The *Lord Chancellor*: 3*s.* a day makes a great deal more than 18*l.* 4*s.* a-year.] His noble and learned Friend was certainly right; but he supposed that in his anxiety to do justice to his fellow-citizens, in his zeal to find them as charitable to others as they were liberal to themselves, he must have made a slight error in his statement as to Miss Myddleton's pension, and put down three shillings a-day instead of one shilling. He would now come to the manner in which the ways and means were raised. First there were the rents which the city received from the large estates which it owned—and here he might state, though the fact was probably known to most of their Lordships, that nearly the whole county of Londonderry was owned by those absentee proprietors the different corporations of the city of London, of whom it was but justice to say that they were the best of landlords, were kind to their tenants, and very zealous in the promotion of improvement. No estates in Ireland were better managed; and the income, therefore, derived from these sources, he was very far from grudging them. But now he came to another source of income. Their Lordships were probably aware that a monopoly, strict and close, existed for the various crafts of the city. Not that a man, because he belonged to the company of merchant tailors, or to that of fishmongers, was bound to follow those avocations, for Mr. Pitt was a grocer, Mr. Fox was a fishmonger, and one noble and learned Friend of his had been a needle-maker; but there were some exceptions, and one of these was the company of carmen. No carman, not belonging to that company, could enter the city gates without paying twopence, but if he wished to keep a cart for hire in the city, he could do so only by becoming a member of the carmen's company, at an expense of about 53*l.* 4*s.* The general consequences of monopoly ensued: trade, from being restricted, was depressed, and comparatively unprofitable, and a great additional expense was caused to the public. Similar privileges were enjoyed by porters, watermen, and others. In all these matters their Lordships took, perhaps, little interest; but he was now coming to what concerned them as nearly as it did the other inhabitants of the metropolis. The city enjoyed the power of levying various taxes and rates on the river. On coal, taxation was levied to a heavy amount, as well as on corn, wine, oil, and other articles of consumption, similar to the *Octroi* levied in the French cities, which was certainly a grievous tax; and when he (Lord Brougham) had admired the munificence of the city of Paris, presided over with so much dignity by Count Rambuteau, the Prefect of the Seine, who could not but be known to many of their Lordships,—when he had admired the splendid buildings raised, and the noble charities supported by the revenues of that city, it had always caused a great diminution to his pride and pleasure to reflect that those revenues were derived chiefly from the *Octroi*—a tax the effect of which was to enhance the price of all the necessaries of life to the inhabitants of the city. But he had no right to make the levying of this *Octroi* a matter of reproach to the city of Paris, when an equally objectionable system of *Octroi* existed in London. The effect of these taxes, levied by the city of London, was felt in many ways. As their Lordships knew, when the question was raised of bringing the Staffordshire coal to London by the Paddington canal, the people from the north came, and very fairly demanded, as they had such high duties to pay on their coal to the city of London, that they should be placed on a footing of equality by a protecting duty on coals coming to the metropolis by canal; and of course the consequence of all this was very seriously to raise the price of coals to the consumers. There were other interests, however, besides those of taxation, and of even greater importance, he alluded to good government and a good police. He had already read to them the terms in which a committee of the House of Commons had described the police of the city, but no one could doubt that power wholly irresponsible must lead to gross jobbing; and those in whom the government of the city was vested, were burthened with no resposibility, being in short responsible to no one but themselves. A little eastward of the Exchange there stood one of the greatest buildings in this metropolis, admirably adapted by its interior arrangements for the accommodation of those who were charged with the government of our eastern empire, and presenting an exterior highly gratifying to the eye of the passing stranger. If any building ought to be free from a nuisance of the grossest description, from the hideous sights of a range of slaughter-houses, and from every noise most grating to the ear, that building was the India House. In that immediate vicinity, however, there were situated a butcher's market and slaughter-houses. A large quantity of offal was daily collected in that quarter, from which proceeded the most offensive and pestilential odours; yet had it been found impossible to obtain the removal of Leadenhall-market, because its continuance was found to be beneficial to some individuals of great weight in the city. What would their Lordships say to such a nuisance if it existed in the neighbourhood of Downing-street or Whitehall? A proposition was made, a few years ago, to remove Smithfield market out of the heart of the city, and a new market was constructed with adequate accommodation. Petition after petition poured in upon the House of Commons, praying for the removal of the old market, but the city of London resisted the proposed reform, and 10,000*l.* were expended to prevent the removal of that great nuisance, when the whole country were anxious for its removal. Bartholomew Fair was another nuisance for the removal of which, time out of mind, the public had been clamorous; but the publicans, at all times a formidable body, leagued together, and strenuously resisted all attempts to remove the fair. The consequence was, that the nuisance was continued, and flourished still, and this opposition was made avowedly because it was apprehended the rents enjoyed by the corporation, would be affected most materially by the removal of the nuisance. The corporators of London were clamorous to keep up their rents; in endeavouring to do so, he must say, they were only doing the same as their Lordships, who were much bent on keeping up their rents, though by different means. To compare the administration of the city of London with other parts of the metropolis, he would select the parish of Marylebone; and he singled it out for comparison chiefly because the population of that parish was about the same as that of the city. In Marylebone the population was 138,000, and in the city of London 129,000. The total sum received by the collector for the parish of Marylebone, in the year 1840, was 129,078*l* The expense of the police force in Marylebone was increased from 9,000*l.* to 20,000*l.*; but that of London had increased 50,000*l.* Whenever there was a proposal to remove an abuse in the city, so sure would there be found, and in all corporations it was precisely the same, an individual or individuals who had a direct interest in keeping that abuse alive. Now, as to the effect of the police, the opinion of a committee of the House of Commons was this, that if a bad police had been the object of the contriver, for the diabolical purpose of increasing vice and propagating immorality, he could not have acted better in accomplishing that bad purpose, than by devising this system of London police. He was the more anxious to state this, as it was a common thing for the admirers of the city corporation, to dwell upon its excellent police. There was a great practical reform for which they had to thank his noble Friend opposite (the Duke of Wellington) and the right hon. Colleague of the noble Duke in the other House (Sir R. Peel), at that time Secretary of State for the Home Department. He believed, that the establishment of that admirable system of police which prevailed at the west end of the town, and the extension of that system to the country, was the greatest benefit that could be conferred. Believing in the improved sense of the people of this country, he exulted to find that all the senseless clamour which was raised from interested motives, or from mere folly and ignorance, and want of reflection, against that admirable system had at length subsided, and men willingly did justice to the authors of the system, and the merits of the system itself. The city police remained as bad as ever, and deserved as much as ever the condemnation contained in the remarkable words of the commissioners' report, which he had already quoted. There was a want of uniformity in the whole arrangements of the police, and matters connected with the police—in reference to highways, roads, streets, paving and lighting, and sewers, a most important subject, there was altogether a want of system, which was very striking, and particularly as regarded sewers. They had so many different bodies concerned. They had the corporation—they had the different parts of that corporation—the aldermen having certain limited powers in the expenditure of money, and the common council having powers of a more extensive nature, there was a struggle between those two bodies, as to their particular rights. Then there were the various commissioners of sewers, commissioners of paving and lighting, grand juries, leet juries, inquest juries, turnpike trustees, chartered companies, and a number of other authorities to the amount of nineteen or twenty; and all of these, making no pretence to any unity whatever, had the management of departments which clashed together, encroached upon one another, all intimately connected together, and which required beyond everything, one uniform system of management, and one control and efficient head, instead of this various and clashing, and disunited system. Now, with respect to the sewers in Westminster and London, he would show their Lordships at once the impropriety of different authorities having to do with the same running stream of water. Because the city might be very powerful, and the Legislature very powerful, yet he did not think it wise to attempt the alteration of the law by which water found its level; and, therefore, nothing was clearer than that the sewers should be under one and the same head. Here was a case of detriment to the city. The Holborn sewers, west of the city, of an oval form, and of the very best construction, are 25 per cent. cheaper than the very badly constructed sewers in the city of Westminster—the good being a fourth part cheaper than the bad, and in Westminster the rate is so great, that very many houses are totally undrained. Now, if the Holborn system were the same as Westminster, and if, as ought to be the case, the whole were under one body, it was clear that Westminster would obtain the benefit of a good sewer at a cheaper rate; and just precisely the same result took place in the various works in the city, not only in the sewers, but the highways, streets, paving and lighting, &c., from the diversity of the management. He came now to the administration of justice in the city of London, but for which question, he was perfectly free to confess, he should probably never have had his attention sufficiently called to the subject of his motion to induce him to take it up, but from particular accidents in the profession to which he had always belonged, and from the position he had once the honour to fill, of being at the head of the administration of justice in this country, he had ever deemed it his bounden duty, in every case where he saw anything trenching upon the pure, upright, and unimpassioned administration of justice, to stand forth and call for, and endeavour to seek and find out, if possible, a remedy for so great an evil; holding the administration of justice as the very bond which kept society together — the very main object of men living together in society—the blessing, the benefit, the precious blessing, the inestimable benefit, for obtaining which men in living together in society were willing to abandon so many of their natural rights. He complained, then, of the administration of justice in the city of London, and he brought it before their Lordships that they might pronounce sentence against it, and that that grievous abuse, which, by a perversion of terms, was called the administration of justice in the city, might cease. The aldermen, council, and citizens of London were a remnant of the bad feudal times. They were a feudal body in their origin. The aldermen and the councilmen, or the citizens, according to some authorities, having in truth occupied the position in the municipality which the baron did in his seignory; so much so, that it was found in the charters of our Kings, in the charter of King John, in the charter of King Henry 3rd, that the citizens were called barons and the aldermen earls: the only doubt among our legal antiquaries being whether the aldermen were not, in truth, the only barons, and whether the citizens did not occupy the situation of feudatories and not barons. Still, however, it is the remains of a distant feudal institution. Their Lordships were aware, that it was one of the attributes and peculiarities of the feudal system, and one of its worst attributes also, that the lord was not only commander in war, but judge in peace; the judicial power being inseparable from the seignory. Accordingly, as the monarch was lord paramount and judge over the whole community, so did the Bishop of Durham exercise the same functions in the palatinate of Durham, and the Duke of Lancaster in the palatinate of Lancaster. This disposition of the judicial power was at length found to be intolerable. The King no longer administered justice, except through judges chosen or appointed for life. The Duke of Lancaster had given up his palatinate privileges of a judicial nature; so also had the Bishop of Durham; and in both those palatinates justice was administered by judges of the Crown. With the exception of his noble Friend, the hereditary sheriff of Westmoreland, and the lord of the manor of Havering-atte-Bower, in Essex, who had the right to appoint justices, there remained, he believed, no instance of a feudal office connected with the administration of justice. The king had parted with his judicial power, the Bishop of Durham and the Duke of Lancaster had parted with theirs, their Lordships had surrendered all their privileges except those which appertain to them in their capacity of Peers of Parliament; but the aldermen, the barons of London, remain clothed with their judicial functions; and, because they happen to be chosen by an irresponsible body, without any one to be answerable for the worst choice that can be made, become judges of the land! Two aldermen may sit and form a quorum, and try men for their lives in the Central Criminal Court. His noble and learned Friend and himself could not better form a quorum if they went to-morrow to the Central Criminal Court, than could two aldermen by merely sitting on the judgment-seat. Why was that? Was it because the responsible Ministers of the Crown had appointed them? Was it because they were qualified honestly to administer justice? Was it because they were learned, well educated, and possessed of general knowledge, superadded to great natural capacity? It is, continued the noble Lord, for none of these reasons. In a word, they take their seat on the bench of justice merely because they are chosen by the lower class of freemen of the city of London, who happen to inhabit houses which are rated at 30*s.* a-year to the taxes of the city of London. That is the title by which the aldermen sit to administer the highest criminal justice. But that is not all. Your Lordships may say, that although those aldermen may have the right to sit on the bench of justice, yet, in practice, they do not sit there. It is not so. I will answer for it, that if any of your Lordships go to the Central Criminal Court to-morrow, you will see twelve of them sitting on the bench at the trial of the person who is to be charged upon that occasion. They have a right to sit there —the same right as the three judges whom the Queen sends by royal commission to preside over the Criminal Court. I will now come to another practical part of the matter. The aldermen can also appoint judges. The aldermen and common council have judicial patronage of the highest and most delicate description. They have a clear, uncontrolled, irresponsible, unrestrained title to appoint six judges of the land. The aldermen appoint the Recorder, one of the highest judicial officers, who, till lately, had to attend the King in Council every time that criminals were condemned to death, and to assist at the Council, in the presence of the Sovereign and his officers of State, on questions of life and death. Until the change was made to which I have referred, no power on earth could have prevented the court of aldermen sending into that sacred presence, on that sacred and delicate duty, the most incapable, the most unworthy, the most every way unfit person that could have been selected in the city. I should state that the office of Recorder is endowed with a salary of 3,000*l.* a-year. I acknowledge the learning, talent, and integrity of the gentleman who at present fills that office. I complain not of the choice which has been as it were accidentally a good one; but I complain of the power of choosing being vested in such hands, which might, by accident, have made a choice of the very opposite description. So much for the judicial patronage of the court of aldermen. The same inferior class of freemen who choose the aldermen, also choose the common council; and the common council have the power of choosing five judicial officers. The first of these is the Common Sergeant. My noble and learned Friend, the present Chief Justice of the Queen's Bench, once filled the office. He canvassed the voters, and carried his election by six or seven votes. Only think of the decency of a judge who is to take his seat on the bench of justice, who is to be clothed with the ermine of the law, and to administer criminal justice in the capital of the country to 2,000,000 of her Majesty's subjects—only think of such a judge being chosen by election after a canvass! I said that my noble and learned Friend gained his election by a majority of only seven votes out of 240; now I will tell you what the great difficulty was which he had to contend with. My noble and learned Friend was admitted to be a man of extraordinary endowments and of strict integrity—one who was utterly incapable of allowing party feeling or personal interest to cast even a shadow across the brightness of his path in administering the judicial functions; but a very formidable competitor appeared in the field. He was a man of great ability, great learning, and much experience; but I can tell your Lordships, and I speak from my knowledge of the state of the canvass—I ought to apologise for the desecration of the judicial office by the use of a term fit only for the hustings of a political election—that it was not these qualities in the late Baron Bolland which made him a dangerous competitor to my noble and learned Friend. His experience, his knowledge of the law, and his unimpeachable integrity, would all have gone for nothing; but that which did expose us to risk, that which did put in jeopardy the election, was this, that Mr. Bolland held the place of city pleader, which is an office of great importance in the city, and sundry common councilmen had individuals of their own families who were desirous to succeed Mr. Bolland in that office, and all of them voted against Mr. Denman and for Mr. Bolland, in order that one of the expectant candidates might succeed to the vacant pleadership. I know that Mr. Matthew Hill, the late Member for Hull, lost his election for Common Sergeant, when opposed by Mr. Mirehouse, from precisely the same cause. This election furnishes an illustration of the ballot. Mr. Hill, notwithing he had a majority of promises, lost the election by five or six votes, because Mr. Mirehouse was a city pleader, and the persons who promised a vote for Mr. Hill had sons and nephews who wished to succeed to Mr. Mirehouse, and therefore they promised the one, but ballotted for the other. Do not suppose that I mention these circumstances invidiously towards the ballot, though I have only a poor opinion of it—or invidiously towards the London corporation; but it is really an important part of the case. It would be bad enough that these parties should choose a judge if they voted in their own proper person; but how much worse is it when they are allowed to screen themselves by secret voting? Is there a single job that cannot be perpetrated under the shelter of the ballot—if such things as jobs can exist in the common council? I must guard myself against being supposed to offer any objection to the fitness of Mr. Mirehouse for the office of common sergeant; it is only of the mode of election I complain. The common council also choose a judge of the Sheriff's Court, an assistant judge of the Central Criminal Court, and two secondaries, who likewise exercise judicial functions. I now proceed to inquire how the aldermen administer justice. The majority of the aldermen are persons occupied in trade or commerce, and they have also numerous other avocations, more or less engrossing, but as if they had not enough to do already with their varied calls, as police magistrates, as city functionaries, as private traders, and as men of the world, they must needs add another, and a still more extraordinary and important occupation to those which I have enumerated. The Lord Mayor of late years has invented, for he could call it by no other term, an entirely new species of jurisdiction, the effects of which were more calculated to obstruct, to mar, to defeat, and to stultify justice than anything I have ever yet heard of. There has been invented, in the city, a form of proceeding which is familiar to those who read the newspapers,—which is known to those whe frequent the city courts—which is known amongst the dignitaries of the city; but which is utterly unknown to lawyers—which, is utterly unknown to the law of England—which the moment that lawyers and the law of England become fully cognizant of it, cannot fail to draw down upon itself and those who practise it the most marked reproof. It is a usurpation of the most flagrant audacity. It leads to consequences of which the absurdity, inaptness, and ridicule are lost in contemplating the atrocity of a proceeding which has too long existed, but which this night has reached the term when it ought to expire. I am sure your Lordships will agree with me in holding it to be utterly impossible that, after this night, any persons should dare to repeat the misdemeanour to which I am about to advert. What I allude to is called "asking advice of the sitting magistrate:" and consists in this abuse and nothing else—that if any man has a grievance against another, and dares not go into a court of justice with it, from being sensible that against that other person he has no case, and that at the hands of that other he has no hope of obtaining anything, he hies him away before the "sitting magistrate," as he is called, and, in the absence of the other person, and in the utter and necessary ignorance of that other person that one word is about to be spoken respecting him, he the sitting magistrate the whole of his story! The worthy functionary, whose sympathies and tenderness of feelings lead him to express commisseration and pity during the *ex parte* recital of the complainant's wrongs, listens to the whole story. Sometimes claims are made in this way to property; sometimes assertions to the prejudice of people of unimpeachable integrity are uttered, creating impressions which are difficult to be eradicated; and it was not long ago that the name of a noble Duke, a friend of his own, was brought into question before the chief city magistrate by a person claiming an estate which his noble Friend, as he stated, unjustly kept from him. Your Lordships who reside in the country must be aware that there is hardly a neighbourhood in which some poor but ignorant person does not assert that the largest estate thereabouts belongs, by right, to him. The man who went before the Lord Mayor was, doubtless, labouring under some delusion of this nature. However, he told his story, and I could not believe my eyes when I read it and found that this respectable Lord Mayor did not at once say to him, "What business have you to come here? This is not the Court of Chancery —this is not the Queen's Bench. Go to the courts of law. I am a police magistrate, and deal only with cases of crime. Why do you talk to me about an estate? I cannot try an action of ejectment." The lord mayor did not say that; but he opened the door wide and encouraged the man to proceed—he allowed the whole story to be told, and afterwards had the assurance, the confidence (I will use no harsher word), with the best intentions in the world, no doubt — with a charity which cost nothing—with a kindness which did not even give him the trouble of thinking (if he had thought at all he would have had nothing to do with the case), actually to write a letter, seal it with the city seal, by way, no doubt, of impressing the noble Duke with a proper degree of awe and respect for the wisdom and rectitude of the whole proceeding—and in that letter, thus ornamented with the imposing seal in question, the lord mayor asked my noble Friend why he kept the poor man's estate who had complained to him. No doubt it appears exceedingly absurd, but what I have told you actually happened. I will mention another case. Some years ago there lived a female, the daughter of a Member of Parliament, and a person of rank, who by her misconduct lost her station in society, and ultimately associated with a common soldier. George the 4th had been the friend of her husband, and in the kindness of his disposition, being desirous that the woman should not come on the parish for support, vested in the hands of a noble Earl, now no more, and a noble Viscount, the sum of 50*s.* a week for her support, on condition that the trustees should never, for reasons which are obvious, pay more than two week's money in advance. As soon as an advance, beyond the authorised one, was refused, the woman went before the sitting magistrate, a lord mayor, now deceased, and said that the trustees were robbing her, that they were embezzling her money, and that she was starving. The lord mayor did not tell her that he was not sitting in the Court of Chancery, and, therefore, had not any jurisdiction in the case; on the contrary, he heard her out, or interrupted her only to give vent to such expressions of indignation, as "intolerable!" "incredible!"

> "It is not to be endured that noble Lords who are wallowing in wealth should defraud an unhappy lady out of part of her miserable pittance."

What is the consequence of all this absurdity, arising out of the usurpation of functions which do not belong to them? These scenes do not take place in a corner, but, unhappily in the presence of 24,000,000 of people, because every one word in both the cases to which I have referred, appeared in the newspapers the next morning, and was circulated all over the country. These procedings go forth under the name and authority of a court of justice. People in the country do not know what lord mayors are, and considerable weight is attached to these outrageous slanders on the characters of individuals. I will allude to another case. A publisher of a newspaper had been convicted of libel, but was not brought up for judgment, on condition that he should cease libelling the party. The libel of which he had been convicted was of a most atrocious nature. A villain who had procured the insertion of the libel, in order to extort money, went to the same newspaper and offered some kind of indemnity to the publisher, to induce him to publish another libel on the same party. The publisher said,—

> "No, if I do that, I shall be brought up for judgment; but do you go before the sitting magistrate and tell your story (it was a matter with which a magistrate had nothing to do); we will send a reporter to take down what you say, and it shall be published."

Whether this conspiracy was actually carried out, I do not know; but I do know that the villainous scheme I have described was suggested. If police magistrates will open shops for slander—the newspapers, being entitled by law to publish all that passes as police proceedings—I say that a grievance more abominable—a nuisance more crying or more frightful, never can exist in a civilized community. We see a number of cases in which parties come before the city magistrates, and tell their story; it is reported, and so far their object is accomplished. I know of a man who, being aware that the Court of Chancery rejected him — conscious that the courts of common law vomited him forth; but knowing also that there was a sitting magistrate with doors open to receive him, with a clerk ready to help him, and with reporters ready to give circulation to his venom—I know of such a man who, before paying a visit to the police-office, went to the individual whom he had marked out for his victim, and of whom he had destined to slaughter the character, and when he came to that individual he threatened that if his unjust demand was not complied with, he would go and make a statement before the sitting magistrate, which should be circulated by the newspapers all over the country. I am informed by a respectable practitioner of the city of London, that a woman endeavoured to extort money from one of his clients, and to effect her object, went to the lord mayor and demanded a summons to be issued against the party, who, she said, had swindled her. "Swindle," is a word unknown in law. Some city magistrates are constantly talking about "nests of swindlers," and appear anxious to acquire a reputation for what they call "driving swindlers out of the city." These men, being ignorant of law, think that if they find any persons acting improperly, they have nothing to do but to call them swindlers. Now, persons may act improperly without committing an offence known to the law. In consequence of the apprehension which persons entertain of having the cry of swindler raised against them, many are frightened into compromises. In the case to which I am referring, a summons was issued by the lord mayor—a respectable man, but ignorant of law. The solicitor of the party on whom the summons was served, told his client that the lord mayor should have issued a warrant and not a summons, because he had no civil jurisdiction at all. The charge was for obtaining money under false pretences. The solicitor, therefore, told his client to stop at home; but that there might be no appearance of disrespect, he undertook to go to the lord mayor and set him right as to the mode of proceeding. He did so, and the lord mayor candidly admitted that he was wrong. In about a fortnight after the woman went again to the lord mayor, and having, as we say in the courts, mended her hand, applied for a warrant. It was granted, and the party was arrested, and kept for six or eight weeks in the custody of the marshalman, when he compromised by acceding to the woman's demand, in order to avoid the exposure of having the whole story told and published in the newspapers. I am told by the solicitor that the woman, in this case, had no more claim to the property which she demanded than I, or any of your Lordships have to it. Thus do these city magistrates presume, by usurpation, to make their police jurisdiction ancillary to civil jurisdiction, not a vestige or shadow of which do they really possess. I expect that these city magistrates will no longer pursue this course. They may have done it in ignorance hitherto, or from a culpable wish to court a false and bastard popularity, or from the desire of exercising an equally specious charity, which costs them not one farthing, and, as I before said, not even the trouble of reflecting; but they no longer have that excuse—they no longer can pretend to say that they can shut their eyes to the nature of these proceedings, and the consequences of their misconduct; and if they persist in their illegal course, after being warned, be it at their peril. When I had the honour to hold the Great Seal, I was determined to endeavour to have this crying nuisance abated, and as I found that magistrates out of the city, and under the control of the Government, had, in some cases, given into this illegal practice, I addressed a remonstrance to my noble Friend Lord Melbourne, then Secretary of State for the Home Department, on the subject; and I believe he took the proper steps on the occasion; but, however that may be, the practice has since ceased, and no recurrence to it is likely to be made by the learned and excellent persons who exercise so usefully to the public, and honourably to themselves, the functions of police magistrates in Middlesex, Westminster, and Southwark. The practice, however, is still raging in the city, if possible, worse than ever; because, all other places being shut, the whole business in that line flows to the only place where the door is open to receive it. I, therefore, deem it my bounden duty to speak out, plainly and distinctly, to those misguided men, and to call on them to resort to other means of exercising a power which at present is only mischievous, and which, if otherwise directed, would, at least, prove harmless; to call on them, if they desire to be considered kindly benevolent, charitable, and public spirited, to exercise those qualities at their own expense, and not at the expense of the high office with which they are clothed, as well as of the feelings and character of their fellow-citizens—above all, not to do so at the expense of the purity—the sacred inviolability of the administration of criminal justice. My Lords, I have redeemed my pledge to your Lordships. I have brought before you a case which makes it utterly impossible that many months should elapse before municipal reform shall be extended to the city of London; and, further, I will venture confidently to say, redeeming that other and more difficult, but scarcely less important pledge, that after this 2nd of March I shall never—whether the corporation of London be reformed and improved, whether it be new modelled or remain as it is—I shall never again hear of those outrages on all justice, and even on all common sense, of which I have thought it my duty to complain. My Lords, with this impression and with this confident expectation, I have the honour of moving,

> "That a humble Address be presented to her Majesty, praying her most gracious Majesty to take into her most gracious consideration the report of the commissioners appointed to inquire into municipal corporations in England and Wales (made in 1834) with a view to some legislative measure for extending Municipal Reform to the city of London."

The *Lord Chancellor* rose, not to offer any observations on the able statements of the noble Lord, but merely to make one suggestion. Until he came down to the House that evening, he had no idea that the noble Lord had any intention of bringing forward a motion which would in effect pledge their Lordships to extend the provisions of the Municipal Corporations Reform Act to the city of London. He had reason to think, too, that most of their Lordships were as utterly ignorant of the existence of such intention as he was himself; indeed, the empty state of the House clearly evinced that no such resolution was at all anticipated. He felt most strongly, that before they gave such a pledge, their Lordships ought to give their attention distinctly to the objects in view; and he was sure that it was only necessary for him to throw out a suggestion to induce his noble Friend who brought forward this motion to see the propriety of not committing the House by such a pledge to any such measure as that he now proposed. As to the field of argument over which the noble Lord had gone in the course of his speech, it was a very, very wide field, and he was sure their Lordships would not expect that he should follow the noble Lord through it. As to the latter portion of his Address, however, he was quite prepared to agree, that nothing could be more reprehensible than that men sitting on the judgment-seat should venture to pronounce opinions, and to pass judgments, on the character of parties not before them. [Lord *Brougham:* Or to permit the accuser to go on.] Or should permit the accusing party to go on. He was sure that, if any such course had ever been taken in the city of London, such a course would not be further persisted in; but, without attempting to deal further with the question, he would merely put it to the noble Lord whether this resolution had not better, under these circumstances, be withdrawn.

Lord *Brougham* agreed in the propriety of what had fallen from his noble and learned Friend; and assured him that it was only from the accident of the House not sitting on the previous day (Wednesday) that he had not laid on their Lordships' Table the terms of the motion it was his intention to propose. Under such circumstances, perhaps it would answer the same purpose if, instead of withdrawing the motion, he moved that the debate be adjourned for a fortnight.

The *Lord Chancetlor* would venture to make another suggestion to his noble Friend. As he appeared to think it right that the provisions of the Municipal Reform Act should be applied to the city of London, would it not be better that he should prefer a bill having that object? If his noble Friend would do so he could assure him, on the part of her Majesty's Government, that the measure should meet with the most attentive consideration.

Lord *Campbell* thought, that unless the noble and learned Lord who had brought forward this motion intended to become a Member of the Government, it would be by no means right that he should act upon such a suggestion as that of the noble Lord on the Woolsack; such a measure ought always to be undertaken and to proceed on the responsibility of an Administration; and, as the noble and learned Lord was not at present a Member of that Administration, he did not see how he could introduce the measure. If, indeed, his noble and learned Friend (Lord Brougham) meant to join the Government to which, in ostensible opposition, he sometimes rendered very avaiable service, the course recommended by his noble and learned Friend on the Woolsack would be a very expedient one. But if it were otherwise, he thought the debate should be adjourned, in order that his noble and learned Friend's motion should not end in smoke. He must say, he hoped that when all the measures which they thought expedient could be carried by the Government, the reform of the city corporation would not be much longer delayed. There was a period when a system of obstruction prevailed apparently with the view of getting up the cry that the Government measures could not be carried. In this way many measures highly salutary and necessary were rendered abortive. But that time had passed, and, therefore, the necessary measures should be adopted as quickly as possible. He must say, with respect to the speech of his noble and learned Friend, that he indulged in a good deal of exaggeration. He thought the city of London had preserved the features of a free municipal Government much better than any other municipality. It was based on a representative system, which was still in operation. The mayor, the sheriffs, the common-councilmen were elected yearly. The aldermen, it was true, were elected for life, but they were elected openly in the presence of the city in their respective wards. The system might be faulty, it might be susceptible of some amendments, and if so, he hoped a law would be speedily introduced to effect those amendments; but, whether that law was introduced or not, of one thing he was quite sure—namely, that no law was required to put down that nuisance which the noble Lord had so ably exposed—the system of "asking advice," and under the guise of asking advice of telling a libellous and slanderous tale for the public amusement and to the injury of individuals. That system was, he felt convinced, contrary to law. The magistrates might be punished for enabling people to libel their fellow-citizens. He felt sure, too, that all reports on such subjects were decided libels, and he would say, that those who gave publicity to such reports ought not to be protected, but should be punished with the utmost severity. He was one who thought that all legal proceedings should be published, even to the extent of preliminary proceedings before magistrates, where they had jurisdiction; but he did say, that the lord mayor sat not to give advice, but to administer the law, and if any man came and asked advice, hoping thereby to get some scandalous tale into the newspapers, why, the reporters, the editors, and the magistrates, who conspired to give publicity to such a tale ought all, in his opinion, to be indicted and punished.

Lord *Brougham* congratulated the noble Lord on having relieved the dull tedium of this subject by the jocose character of the earlier part of his speech. He freely forgave him his joke, however, for the opinion which followed it, and of which he was really glad to have the benefit.

The *Lord Chancellor* was then about to put the question that "the motion be withdrawn," when

Lord *Campbell* objected to the question being put. He had always understood that no motion could be withdrawn, unless with the unanimous consent of all the Peers present; and, certainly, he for one was not prepared to give his consent to the withdrawal of this motion. If it were withdrawn, the subject might all end in smoke; but if it were merely adjourned, as first proposed, he thought there would then be a security for its further consideration.

The *Lord Chancellor* thought it was competent for him to put the question, "that the motion be by leave withdrawn," and that it was competent for their Lordships to agree to the motion or not, as they thought fit.

Lord *Brougham:* His noble and learned Friend (Lord Campbell) had indulged in the flattering hope that the days of obstruction to Government measures had gone by. But his own speech did not tend to confirm his prophecy. There were two ways of resisting a measure. One was to say, in an open, manly way, "I oppose you." There was another, of taking every indirect mode of defeating your object. He could not help feeling that his noble and learned Friend had taken the latter course.

Lord *Campbell* was anxious that the measure should be carried as quickly as possible, and should be brought on as quickly as possible. He had not the least wish to obstruct the measure, though sitting on the bench where he now found himself placed.

The *Lord Chancellor:* Is "obstructiveness" a quality of that bench?

Lord *Campbell*: I remember when a seat behind me [pointing to one where the present Lord Chancellor formerly sat] was a perfect citadel of obstructiveness.

The *Lord Chancellor*: I have no objection to surrender it to so worthy a successor.

The Duke of *Wellington* said, the question brought under their notice by his noble and learned Friend, was not one to be decided off-hand either in that House or any other. The speech of his noble and learned Friend must be considered maturely before they could decide what ought to be done. He thought the proposition which had been made by his noble and learned Friend (the Lord Chancellor) was a very proper one, that his other noble and learned Friend who had made the eloquent speech they had that night heard, should bring forward such a measure to remedy the abuses complained of, as he might think was calculated to have that effect. It mattered not, however, who brought the bill forward, provided their Lordships considered it; but for any of her Majesty's servants to get up, and say at once such a measure would be brought forward by the Government, that could not be done, as there were other parties than those present who must first be consulted.

Lord *Campbell* said, that was the reason he had proposed an adjournment of the debate, that the Government might have an opportunity of considering the subject, and, if necessary, to bring forward a measure on their own responsibility.

Motion withdrawn.

Their Lordships adjourned.

HOUSE OF LORDS,

Friday, March 3, 1843.

Minutes.] Bills. *Public.—Received the Royal Assent:—* Forged Exchequer Bills; Coal Venders Penalties.

Private.—Reported.—Lady Fleetwood's Naturalization; Samwell's Name.

Petitions Presented. By the Bishop of Bangor, from St. Leonard's (Shoreditch), Narberth, Llanllechid, St. James's (Westminster), Christchurch (St. Pancras), Llandifrydog, Llanfihangel trer beirdd, Archdudwy, Henry Harding, Rector of Aldridge, and Thomas M. Luckock, clerk, Newchurch (Ryde), Llanerchymeld, Coedana, Bagillt, Coleshill, Llanwada, and Llanfagleor, against the Union of the Sees of St. Asaph and Bangor.—From the Archdeaconry of Essex, Shrivenham, Kirwarter, Great Alae, and Montacute, for Church Extension.—From the Archdeaconry of Essex, for an Alteration of the Assessment to the Poor Rates.

Townshend Peerage.] Lord *Brougham*, pursuant to notice, rose to present a petition, and call their Lordships' attention to a case which he believed was wholly unprecedented. He had two petitions, but as they stated the same facts, he would confine himself to that which he presented from the most hon. George Ferrars, Marquess Townshend, Earl of Leicester, &c. The other petition was from the only brother of the Marquess, and, if the latter should die without issue, of course, the heir to all his honours. When he had stated the subject matter of the petition, their Lordships would find the circumstances altogether of a most extraordinary character. It might be, that they would find no precedent to guide them in any course which it might be proper to follow; but it might be, that in order to protect the very privileges of the House, as well as to give relief to the sufferers, their Lordships would be compelled to make a precedent which might guide them in any future case of so extraordinary a nature, if any such should ever arise again. He would proceed to state the allegations of the petition, merely calling the particular attention of their Lordships to the dates, which were very material. It appeared, that on the 12th of May, 1807, the petitioner (being then commonly called "Lord Chartley") was married at the parish church of St. George, Hanover-square, in the county of Middlesex, to Sarah Gardner Dunn Gardner, the only child of William Dunn Gardner, of Chatteris, in the Isle of Ely, and county of Cambridge, Esq.; that soon after the marriage the petitioner found his income inadequate to his expenses, and dissensions arose between him and his wife, and on or about the 8th of May, 1808 (being within one year after their marriage), she quitted his house in Gloucester-place, without his knowledge or consent, and proceeded to the residence of her father in Lower Grosvenor-street; and further, that in May, 1809, the petitioner's wife eloped from the house of her father in Lower Grosvenor-street, with John Margetts, deceased, with whom she lived, from the time of her said elopement, until the decease of John Margetts, in June, 1842, being a period of thirty-two years, and upwards, during the whole of of which time she openly and notoriously cohabited with the said John Margetts as his wife. After the elopement in May, 1808, it could be proved that no intercourse had taken place between the then Lord Chartley and his wife. They had never seen each other for the person now praying for relief went abroad. Upon her elopement with Mr. Margetts she immediately renounced the title of Lady Chartley, and went by and was known by no other name than Mrs. Margetts. In August, 1809, the petitioner (who then bore the title of Earl of Leicester) first heard that his wife was pregnant. On the instant he wrote to his father, asking to be furnished with the means of preventing a spurious issue from transmitting the family name, but in consequence of some family disputes no answer was returned to the letter, and the petitioner went abroad. Suits were instituted in the Court of Chancery, in the course of which the petitioner on two occasions most solemnly denied that there was any issue from his marriage, and that the children then living were his. The wife was made a party to the suits, and one would naturally have expected that if there were any truth in the frauds now attempted to be established, the first part of her answer would be to deny the truth of the statements made in the bills by her husband, in which he strongly repudiated the legitimacy of the children then living with her and Mr. Margetts. Her conduct was altogether different—in no part of her answers was one word of denial to be found—she never touched upon the subject, far less dare to deny the truth of her husband's statement and set up the legitimacy of her children. The whole of the children went by the name of Margetts until December, 1823. In that month the whole of the children were carried by their mother and Mr. Margetts to the church of St. George, Bloomsbury, where they were baptised as the lawful children of the petitioner, and their mother also assumed the title of Marchioness Townshend. The person (the noble and learned Lord added) now calling himself the Earl of Leicester was sent to Westminster school, where he remained for a length of time under the name of John Margetts; but after December, 1823, he returned to it, not assuming the title of Earl of Leicester, to which he would have been entitled had he been the son of the petitioner, but calling himself, and being called Lord John Townshend. Mr. Margetts departed this life in 1842; he had amassed very considerable property, which, most paternally, he left to be divided amongst his five children, and her who had so long passed as his wife. Now, in the will, he had very carefully provided for proving the identity of the parties to whom he bequeathed his property. He did not say "the Marchioness Townshend" only; she was further designated "as calling herself the Marchioness Townshend;" and so in the case of all the children, they were all designated as So-and-so Margetts, now being called So-and-so Townshend. The petitioner was now seventy years of age, he was old and feeble, and might die any day, and the marriage never having been annulled, the consequence would be that John Margetts, the son of a brewer, might become the root and very *stirps* of a family, by means to which he would not assign a character. The petitioner prayed to be allowed to substantiate the allegations of the petition at the Bar of the House, and that the House would take immediate and effectual measures to vindicate the privileges of the House, and uphold the dignity of the Peerage, and protect the rights of the petitioner and his family. He repeated, that their Lordships ought to lose no time in taking whatever steps the necessity of the case seemed to require; one witness, for example died very recently. He alluded to a most respectable citizen of London—of whose death it was impossible to speak, without regretting the loss of so useful and respectable a member of society—the late Mr. Ridgway, of Piccadilly. He was well acquainted with the circumstances of the case, and so likewise was the late master of Westminster School.

Lord *Campbell* said, he knew nothing of the parties alluded to in the petitions just presented, or whether the facts stated could be substantiated, but he thought it indispensably necessary that some measure should be taken to prevent the enormous fraud that would be perpetrated, and the injury that would be done to the petitioners, if the facts should be proved, by the succession of an illegitimate claimant of the honours of the Marquisate. Their Lordships ought, in some shape or other, immediately to interpose, to save the institutions of the country from the insult to which they appeared to be exposed. There was no remedy whatsoever as the law now existed. A case somewhat similar had occurred at the end of the seventeenth century, on the death of the last Earl of Northumberland, when a coach-maker in Dublin, laid claim to the title and honours. On that occasion, at the application of the Countess Dowager, an order was made by their Lordships that the claimant was a false and impudent pretender; but he apprehended, that in the present day, their Lordships would be very loath to exercise such a jurisdiction. The case detailed in the present petitions was of a most extraordinary nature, and he felt the full difficulty of establishing a precedent. It would be for his noble and learned Friend to consider whether he should not introduce a bill specifically to meet the present case.

Lord *Brougham* said, the parties claiming to be children of Marquess Townshend need not object to the introduction of a measure, if they had confidence in their claims. The sooner the matter was brought to an inquiry by calling evidence on either side, in consequence of a bill or other proceeding the better. There might be a bastardizing bill, or a bill declaring the other party the legitimate heir to the Marquisate; but he thought their Lordships would be averse to either of those methods of proceeding. A middle course might, however, be found. They might declare that the children of Lord Townshend's wife should not succeed to the honours of the late Marquess Townshend, which would set aside their claims to the rights of Peerage, which were limited to the legitimate issue of the present Marquess Townshend. He would have no objection, in the mean time, to refer the petitions to a committee.

The *Lord Chancellor* said, noble Lords would recollect the Macclesfield case, since which period great caution had been exercised in cases of this nature. The person claiming to be Earl of Leicester had a right to be present in their Lordships' House, when her Majesty was present. The better way would be to have the bill, in this case, brought in by some member of the family.

Lord *Brougham* moved, that the petitions be referred to a committee to consider them—the persons composing the committee to be the same as those who sat on a committee appointed last Session to consider a petition then presented, relating to this case, from Lord Charles Townshend.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Friday, March 3, 1843.

Minutes.] Bills. *Public.*—1°. Turnpike Roads (Ireland).

2°. Law of Evidence.

Reported.—Justices of Peace (Ireland).

Received the Royal Assent:—Forged Exchequer Bills; Coal Venders Penalties.

Private.—1°. St. Pancras Churches; Plymouth Roads, Carriages, etc.; Jackson's Divorce.

Petitions Presented. By Sir R. H. Inglis, from Rugby, against Lord Ellenborough's Proclamation.—By Sir H. Douglas, and Mr. Aglionby, from Liverpool, Ipswich, Winchester, Carlisle, Worcester, and a Law Society, against the Ecclesiastical Courts Bill.—By Colonel Wyndham, from Littlehampton, Warningcamp, Tonington, Ford, Leominster, and Arundel, for the Repeal of the Malt Tax.—By Mr. W. O. Stanley, Mr. Liddell, Lord Clive, Mr. Mackenzie, and Mr. S. Wortley, from Sudbury, Durham, Theifod, Craven, Dursley, Rotherhithe, Chirk, Conway, the Archdeaconry of Wilts, Llansantfraid Glaw, St. Martin, Salisbury, Ashbourn, Newchurch with Ryde, Llandulas, Anglesey, Cirencester, and Narberth, against the Union of the Sees of St. Asaph and Bangor.—By Dr. Bowring, Mr. Ewart, and Mr. G. W. Wood, from Mold Green, Kendal, Haslingden, Alden, Musbury, John Taylor and Family, Joseph Hinchcliffe and Family, Dalkeith, and Joseph Jackson and Family, for the Repeal of the Corn-laws.—By Mr. A. Campbell, from Kilmarnock, against the Law of Patronage in the Scotch Church. — From Launceston, against portions of the English Poor-law.—By Mr. T. Duncombe, from Liverpool, for placing the Theatres there under the Direction of the Lord Chamberlain, or the Mayor of Liverpool. —By the same, from North Shields, for an Inquiry into the Causes of the late Outbreak.—By Mr. F. Maule, from Plean, Auchenbowie, and'Plean Colliery, for Repeal or Amendment of the Mines and Collieries Act.—From South Moulton, against the Exemption of Mail Coaches from Turnpike Tolls.—From Cadogan Williams, for Inquiry into his Scheme as to Deferred Annuities.—From James Wiggins, for Means to Emigrate.—From the Rev. Joseph Foster, against the Parochial Assessment Act.—From Belfast, for placing the Irish Spirit Trade on the same footing as the English. — From Samuel Gordon, against the Proceedings of the Irish Court of Chancery regarding him.—From the Counties of Warwick, and Leicester, in favour of the Dogs Bill.—From the Grand Jury of Monaghan, against the Medical Charities (Ireland) Bill.—From Kilkeel Union, for Suppression of Mendicancy (Ireland).—From Newry, respecting Bakers Working Hours.—From Edward Groves, Plan for Liquidating the National Debt.—From Newport (I. W.), for Alteration in Law of Church Rates.

TREATY OF WASHINGTON—PAPERS.] Viscount *Palmerston*, in reference to the motion of which he had given notice for Thursday, and which had dropped in consequence of there having been no House, said he was anxious to fix it for some day on which it could have precedence. It might stand for the 16th.

Sir *R. Peel* said, he was anxious to explain the course he intended to take in regard to the motion of the noble Lord. It would, he thought, be unfortunate that a question of so much importance should turn merely on the production of papers. With respect to the correspondence between Lord Ashburton and Mr. Webster, it would be impossible for him to assign any grounds of public inconvenience against their production. Still, if the conduct of the Government and of Lord Ashburton were to be the question for discussion, it would be better that some distinct motion should at once be made, than a proposal for the production of papers. He was perfectly prepared to lay on the Table the papers he had mentioned, but confidential communications—communications of the greatest importance—between the American Secretary of State and the British Minister, it would be quite impossible to produce. If the noble Lord thought it would facilitate his views to have his own correspondence during the time he held office, and up to the latest period, he (Sir Robert Peel) was not aware that there would be any objection to producing it; but he would look into it with greater attention; and if any parts could be produced, so as to bring the correspondence up to the period when the present negotiations commenced, he had no objection.

Viscount *Palmerston* said, his object undoubtedly was to bring under discussion in that House the negotiation and the treaty. He, of course, had anticipated that the right hon. Baronet could not object to the production of that part of the correspondence for which he had moved, which passed between Lord Ashburton and Mr. Webster, because the right hon. Baronet had he remembered, moved for the production of similar papers on similar grounds. He had thought it possible the right hon. Baronet might make some objection to the latter part of the motion, although he (Viscount Palmerston) had so worded his motion, by making use of the word "extracts," as to give the Government the opportunity of selecting such of the papers as might be produced without inconvenience. If the right hon. Baronet thought there would be no objection to laying on the Table the correspondence down to the latest period, it would be convenient to him to have them, but that would be a further ground for urging the production of the correspondence between the Foreign Secretary of State and Lord Ashburton. He thought, however, the notice he had given would answer his purpose—that of bringing the matter under discussion.

Sir *R. Peel* thought that the noble Lord, in fairness to himself, would like to have the correspondence brought up to the time he left office. He was not aware that any inference against the noble Lord could be drawn from it. He would have no objection to produce the whole of the correspondence; but to produce the confidential communications between the foreign and the British representatives, was contrary to all precedent. He was willing to produce all that could give the House a clear conception of the proceedings, and enable the noble Lord to found a motion if he thought proper.

Subject at an end.

PRINTED PAPERS—PRIVILEGES.] Sir *R. Peel*, in the absence of the Solicitor-general, and of the hon. and learned Member for Worcester (Sir T. Wilde), deferred the adjourned debate on the question of Printed Papers until Tuesday next. If upon Monday it should appear that those hon. and learned Gentlemen would be unable to be present in the House on Tuesday, in consequence of their engagements on the circuit, he (Sir R. Peel would then on Monday) state what course he should propose to pursue.

The adjourned debate was further adjourned till Tuesday following.

CAPE OF GOOD HOPE—PORT NATAL.] Mr. *Hume* wished to know whether the noble Lord the Secretary for the Colonies would have any objection to lay on the Table of the House the correspondence that had taken place between the Cape of Good Hope and this country, relative to what had taken place with respect to the boers of Port Natal.

Lord *Stanley* said, that he would endeavour to make a selection of the correspondence, and lay it on the Table of the House. He could not, however, conceive of what use it could be to the hon. Member.

Mr. *Hume* wished to have it in order to know why a civil war was carrying on in that country.

CANADIAN FLOUR.] Mr. *Labouchere* begged to put a question to the noble Lord the Secretary for the Colonies upon a subject of considerable importance, and with respect to which there existed a good deal of misapprehension. The noble Lord, a short time since, stated to the House that it was the intention of the Government, in the course of the present Session, to permit the admission of Canadian flour into this country at a nominal duty, provided the legislature of Canada passed measures satisfactory to the Government, with a view to the prevention of fraud. The noble Lord stated, at the same time, that the legislature of Canada had passed a bill, levying a duty of 3*s*. a quarter upon wheat passing from the United States into Canada. Now, upon this statement, an impression had gone forth to the public that it was the intention of the Government to limit the privilege of admission at a nominal duty to flour, the produce of wheat grown in Canada—that it was the intention of the Government to alter, in that respect, the law which at present existed, and which contained no such restriction. He believed that this was a misapprehension; but as it prevailed amongst many Gentlemen connected with the Canada trade, perhaps the noble Lord would be kind enough to state distinctly what the intentions of the Government were upon the point.

Lord *Stanley* had no difficulty in answering the question—the only difficulty was to imagine how the misapprehension to which the right hon. Gentleman had adverted could ever have arisen. The existing law made no distinction between flour manufactured from wheat, the produce of the United States, and flour manufactured from wheat the produce of Canada. As long as the flour was manufactured in Canada, it had always been imported into this country as Canadian produce; and there was no intention on the part of her Majesty's Government to make any alteration in that provision of the law. There was no intention of drawing any distinction not now drawn with regard to flour coming from Canada, whether it were the growth of the United States or of the Canadas.

OPIUM COMPENSATION.] Lord *John Russell* wished to ask the Chancellor of the Exchequer a question with respect to the opium which had been surrendered at Canton. It was understood by some parties that the right hon. Gentleman stated, on a former evening, that the only difficulty in the way of the settlement of the claims of the opium merchants existed in the fact, that the ratification of the treaty with China had not yet been received. As there seemed to be some misapprehension upon the subject, perhaps the right hon. Gentleman would repeat the statement he had made on the former evening.

The *Chancellor of the Exchequer* said, that what he had stated to the noble Lord on the former occasion was precisely this: that until the ratifications of the treaty with China were exchanged, it would not be consistent with usage and practice to deal with the question as settled; that the Government could not act upon the provisions of the treaty until it was signed and ratified by the governments of the two countries; that the information necessary to guide the Government as to the value of the opium had for some time been concluded, and that the Government was in possession of all the facts and circumstances which would enable it to come to a proper and immediate decision. Since then the Government had considered that it would not be necessary to wait for the reception of the ratification of the treaty in this country, but to send out instructions to India for the distribution of the sum to which the opium-traders were held to be justly entitled; because, previously to the arrival of these instructions in India, the probability was, that the ratification of the treaty would be there.

THE AFFGHAN WAR.] On the question that the Order of the Day for a committee of supply be read,

Lord *Palmerston* said, I wish to ask permission of the House to do that which I am aware is irregular, but as what I am about to say relates to a matter of personal feeling and personal character, I persuade myself that the House, with its usual indulgence, will permit me to offer a very few observations. I see the hon. and learned Member for Bath (Mr. Roebuck) in his place. What I am about to state is in the way of explanation connected with circumstances to which that hon. and learned Member adverted at the close of his reply on Wednesday evening. The hon. and learned Member has been made aware of my intention to make this statement. The hon. and learned Member, in his reply the other evening, charged, no doubt, from misapprehension, the late Governor-general of India with having made, in his proclamation dated from Simla, 1st October, 1838, a false statement. That false statement I understood him to say was to be found in the assertion that Shah Soojah had entered the Affghan territories surrounded by his own troops; and the hon. and learned Member rested his denial of the accuracy of that assumed statement upon the ground of a letter which he quoted from Colonel Dennie, written at a much later period, in which the colonel said that the troops under his command, as Shah Soojah's guard, were not Affghans, but troops raised in Hindostan. Now, in the first place, the hon. and learned Member mistook the passage which he quoted from the proclamation dated at Simla, the 1st October, 1838. The passage was not an assertion as to anything that had then happened, but was the declaration of an intention with regard to the future—a statement in anticipation of what would happen. This was the passage:

> "His Majesty Shah Soojah-ool-Moolk will enter Affghanistan, surrounded by his own troops, and will be supported against foreign interference and factious opposition by a British army."

It will be seen that the whole of this passage has reference to the future, not to the past; and even if the anticipations thus expressed in the proclamation had not been fulfilled—if, when Shah Soojah entered Affghanistan, nearly six months after the date of the proclamation, the course of events had altered the arrangements connected with his entrance into his kingdom—I am sure the House will see that that would be no impeachment of the veracity of the Governor-general. It would only have shown that an arrangement intended and contemplated in October, 1838, was not executed in May, 1839, in a manner conformable with the Governor-general's previous intentions. Therefore, even upon this assumption, there is no ground whatever for the charge of falsification which was thrown out by the hon. and learned Member the other evening. But it so happened that the facts as they occurred were in no degree inconsistent with the intentions so expressed, but, on the contrary, completely tallied with them. Shah Soojah, before he entered the Affghan territory, raised five regiments of Hindostanees to form his force, and when he came to Shikarpore, he was met by a great number of Affghans residing in and about that neighbourhood, who tendered their services to him. It was quite clear that he was not likely to raise an Affghan force in Hindostan, and that he could not expect any great number of Affghans to enter his service until he came to the country where the Affghans lived. He found a certain number of them about Shikarpore, and as many were engaged in his service as it was convenient to enlist at a moment when provisions were scarce, the means of transport not abundant, and when it was not thought useful or desirable much to increase the number of persons about him. But when Shah Soojah arrived at the Khojak-pass, and when that pass had been forced, a large number of Affghans, who had been in the service of the Ameers of Candahar, came over to Shah Soojah, and enlisted under his banner. Shah Soojah entered Candahar, accompanied by his own troops, consisting partly of the Hindostanee force, which I have mentioned, and partly of Affghans, a day before the British troops entered, accompanied, however, as a mark of respect and as an indication of British protection, by a certain number of British officers. The force with which he entered Candahar was, strictly speaking, his own; consisting, as I have said, partly of Hindoos, partly of Affghans; and the manner of his reception is mentioned in a general order from the officer commanding our troops. Sir John Keane in a general order, dated "Head Quarters, Camp Candahar, 4th May, 1839," says—

> "His Excellency shares in the satisfaction, which the troops must feel, at knowing the enthusiasm with which the population of Candahar have received and welcomed the return of their lawful sovereign, Shah Soojah-ool-Moolk to the throne of his ancestors in Affghanistan."

There was also a letter addressed by Sir Alexander Burnes to Lord Auckland, which appeared in the papers at the time, expressing in very glowing terms the enthusiastic reception which Shah Soojah had met with from the population and chiefs of Candahar. I stated the other evening that which also appears from the despatch of Sir John Keane, with respect to Shah Soojahs entrance into Cabul. Sir John Keane, writing from Head-Quarters, Camp Cabul, Aug. 8, 1839, says:—

> "It appears that a great part of his army," that is, of Dost Mahomed's army, "which was hourly becoming disorganized refused to stand by him in position to receive our attack, and soon became in a state of dissolution. The great bulk immediately came over to Shah Soojah, tendering their allegiance; and I believe his Majesty will take most of them into his pay."

I contend, therefore, that the proclamation, dated Simla, October 1st, 1838, being prospective, and the entrance of Shah Soojah into Affghanistan not having taken place until six months afterwards, namely, in May, 1839, even if there had been the discrepancy which the hon. and learned Member believed there was between the anticipation and the event, it would afford no ground whatever for the charge which the hon. and learned Member has levelled against Lord Auckland. But I have shown, from the statement I have made, and the extracts I have read, that the event turned out precisely as it had been anticipated; and that Shah Soojah, if he did not pass the frontier of Affghanistan accompanied by an Affghan force, did, in fact, enter Candahar, the first capital of his kingdom, attended by a large body of Affghan troops, and that he was joined by a still larger body before he entered the second capital of his country, Cabul.

Mr. *Roebuck* said: It is clear to me, from the defence made by the noble Lord, that he and I entertain very different feelings respecting the obligations of truth upon the governors of mankind. Truth, invincible in its naked simplicity, needs no diplomatic defence; and I shall be able to show the noble Lord himself that if he has kept "the word of promise" even "to the ear," he cannot have satisfied the understanding of the House nor his own. The noble Lord read but a part of the passage to which I alluded in the proclamation of the 1st October, 1838. I will read the whole. It runs thus:—

> "His Majesty Shah Soojah-ool-Moolk will enter Affghanistan surrounded by his own troops, and will be supported against foreign interference and factious opposition by a British army. The Governor-general confidently hopes that the Shah will be speedily replaced on his throne by his own subjects and adherents; and when once he shall be secured in power, and the independence and integrity of Affghanistan established, the British army will be withdrawn."

Now my charge against this state paper was, that it was drawn up for the purpose of delusion; that the Governor-general knew full well that Shah Soojah would enter Affghanistan not surrounded by his own troops, but would depend upon the arms of England for forcing him upon the people of his country. Further, I say he did not enter Affghanistan surrounded by his own troops. Now comes the diplomatic defence. "The proclamation," says the noble Lord, "was dated the 1st of October, 1838; six months afterwards, Soojah arrived at Shikarpore, and it was then that the Affghans surrounded him." Now "Shikarpore, 9th of March, 1839," is the date of a letter written by Colonel Dennie, and addressed to Lieutenant-colonel Macdonald, the military secretary to the Governor-general. This letter, therefore, may be regarded almost as an official communication. I am about to read it. It is as follows:—

"Shikarpore, 9th of March, 1839.—My dear Sir—I have endeavoured, to the best of my ability, to give every effect to the commander-in-chief's instructions. I will not disguise that it has been a painful duty, but I trust not the less conscientiously and zealously performed. I cannot but lament, in common, I have no doubt, with his excellency and the members of his whole force, that two regular and disciplined armies brought together from so great a distance, and at so much difficulty and cost, should, at the very moment of united action, be thus maimed and dismembered, merely for the purpose of keeping together a mass of raw levies, like the Shah's contingent, whose carriage and supplies would suffice for the Bengal or Bombay divisions, and who would again be much better employed if left here for formation and instruction; whereas, in their present state, they must prove worse than worthless in advance. Can this be done in the vain hope of giving plausibility to the fiction of the 'Shah entering his dominions surrounded by his own troops?' when the fact is too notorious to escape detection and exposure, that he has not a single subject or Affghan amongst them! his army being composed of camp followers from the company's military stations."

This is conclusive; but one word more. Writing from Shikarpore, on the 9th of March, 1839, Colonel Dennie says that Shah Soojah has not a single subject or Affghan amongst his contingent. What did I say the other evening? I said that the Governor-general had stated that Shah Soojah was about to enter Affghanistan surrounded by his own troops. ["No, no"]. Did I not say that? Have I not read the Governor-general's words? "Will enter Affghanistan surrounded by his own troops!" Are not those the very words of the proclamation? What, then, is the meaning of the interruption, with which my statement is received. Well, Shikarpore was the place mentioned by the noble Lord as that at which Shah Soojah first met with any of the Affghans. In reply to that statement of the noble Lord's, I quote an official letter from Colonel Dennie, dated Shikarpore, and saying that Shah Soojah had not a single Affghan amongst his troops. I must now be allowed to put a question to the noble Lord. Was not Shah Soojah's army officered by British officers? Was it not paid by the money of the East India Company? And was not that the meaning of the phrase in the proclamation, "that he was called to the throne by the voice of his countrymen?" That was the meaning of the phrase, and what I said the other evening; and what I still maintain is, that that is a statement not in accordance with the truth, and therefore that it ought not to have entered the proclamation made by a man who represented the great and honest community of this country. I say it was a false pretence; and I want to have that assertion disproved. I am not accusing Lord Auckland of being in his own private capacity wrong; but I accuse the system of politics—the system of political morality which allows a public man, in a public document of this sort, to put his hand to that which as a private man he would be ashamed to acknowledge. I claim for the public that kind of morality which we all acknowledge and follow in private, and I say that in private the passage from the proclamation to which I have referred will be stamped with the designation which I have given to it—namely, that it was a false declaration, holding out false pretences, and was unworthy the representative of this great people. That was my charge—a charge not in the slightest degree answered by the noble Lord, not in the slightest degree quarrelled with for its truth; and I say that I am justified when I stand up for the observance of that high and pure morality in public affairs which my countrymen are accustomed to adhere to in cheirown private relations.

Lord *Palmerston*: As the hon. and learned Member has put a question to me, perhaps the House will allow me to answer it. The hon. and learned Member asks whether the native troops, which accompanied Shah Soojah into Affghanistan, were not officered by British officers, and paid by the East India Company? Officered by British officers, undoubtedly they were; else Shah Soojah could not, in so short a space of time, have brought them into a state of discipline. They were paid by Shah Soojah. [Mr. *Roebuck*. Oh.] I am not going to make a quibble. I say that the money came from Shah Soojah's treasury, and that the troops owed allegiance to him; but I know perfectly well, and do not pretend to conceal it from the House, that the means, the resources, from which Shah Soojah was enabled, at that time, to pay any troops at all, consisted of supplies furnished as a subsidy from the East India Company. The British Government in India avowedly supported Shah Soojah, not only by pecuniary means, but by the aid and protection of a British army, as the Governor-general said, to defend him not merely against foreign interference, but against factious opposition at home. I think the hon. and learned Gentleman seemed to misunderstand what I said about Shikarpore. What I said was, that until Shah Soojah arrived at Shikarpore, it was impossible that he could raise any Affghan troops, and that it was not possible for him to raise any great number of such troops until he had got into Affghanistan itself, but that at Shikarpore he was joined by some chiefs and others, who were in the neighbourhood of the place; and, notwithstanding the passage which the hon. and learned Gentleman has read from Colonel Dennie's letter, I repeat and affirm that assertion, speaking as I do from information derived from a quarter which I cannot doubt.

The subject dropped.

COMMISSIONS IN THE ARMY.] On the question for reading the order of the day for going into supply.

Mr. *Bernal* begged to bring under the consideration of the House a case of great interest to the army in general, and especially to that gallant part of it the Foot Guards. The case to which he referred was that of General Sir John Woodford, who had always been attached to that part of the service. Sir John Woodford entered the Grenadier Guards in the year 1800. In 1813 he was enabled to purchase his company, giving for it the regulation price, amounting to about 4,800*l.*, which exceeded by about 300*l.* the regulation price given for a company in the line. When this purchase was made in 1813 it was not allowable to an officer to purchase a higher grade in the Foot Guards. But by a subsequent regulation of the Horse Guards, it was declared and legalized that the superior grades of major and lieutenant-colonel in the Guards might be obtained by purchase. This being the case, Sir John Woodford, being naturally reluctant to see junior officers step over his head, availed himself of the first opportunity to purchase a majority, for which he gave the regulation sum 3,500*l.* Shortly afterwards he purchased the step of lieutenant-colonel, for which he paid the regulation price, 700*l.*, so that in the whole, Sir John Woodford had expended in the purchase of different grades in the Foot Guards, no less a sum than 9,000*l.* In 1837, by the brevet which then came out, Sir John Woodford, with other officers of the same rank, became a major-general. Of course, when he became major-general, he could no longer hold his rank as lieutenant-colonel in the regiment. He could not hold the two together. He was accordingly prepared to go out of the service, fully conceiving that he should receive the whole of the money that he had expended in the purchase of the different grades through which he had advanced. Instead of that he was informed that by the regulations of the service, as applied to the Guards, he could only receive 4,500*l.* on selling out, which was less by 300*l.* than the sum he had paid for his commission as captain. This was a plain statement of the case. It might be said that Sir John Woodford should have exercised a greater prudence and discretion, and have sold out of the Guards before he took his brevet rank. But if he had done so, he would for ever have deprived himself of the chance of obtaining a staff appointment. The complaint that he (Mr. Bernal) wished to lay before the House was this; here was an officer of forty years standing in the army, who having paid 9,000*l.* to obtain the rank he held in the service, only received from the war office when he sold out as major-general, the sum of 4,500*l.*

Sir *Henry Hardinge* said, that the case of Sir John Woodford came before his predecessor in office, the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), and the late Lord Hill, then Commander-in-Chief, and both the Commander-in-Chief and Secretary-at-War were of opinion that it was not a case which they could entertain. When he came into office, Sir John Woodford had not sold his commission, and his case was referred to him. Being a personal friend of that gallant officer, having served in the same regiment with him about thirty years ago, he of course took an especial interest in the case, and he looked into it with an inclination, if possible, to come to a decision favourable to Sir John Woodford; but after fully considering the circumstances, he thought it impossible to entertain the complaint. Sir John Woodford's argument was, that he had a positive and vested right to receive from the public that which he had actually expended in the purchase of his commissions. Now he denied that position altogether. But first of all he must observe that Sir John Woodford had not spent so much money as the hon. Member (Mr. Bernal) conceived he had. In 1832, Sir John purchased a company for 2,000*l*. being at the old rate. He was afterwards allowed to purchase his majority for 3,500*l*., and he subsequently paid 700*l*. for his lieutenant-colonelcy, making altogether 6,200*l*. In 1837, Sir John was promoted to the rank of a general officer, and five years after he claimed to sell his commission in the army. He was then told, both by the Commander-in-Chief and by the Secretary-at-War, that if he did so he could only receive the regulation price, namely, 4,500*l*. If Sir John Woodford had sold his commission as lieutenant-colonel previous to his being promoted, he would have been entitled to receive the sum he had paid for his lieutenant-colonelcy, or he would have been entitled to exchange into the half-pay infantry, and have received the regulation difference, while his rank would have gone on. The regulation of the service had been that a general officer who had sold his commission, whether as an officer of cavalry or of infantry, not having any regimental commission could only sell at one price—namely, 4,500*l*. The fallacy throughout the case of Sir John Woodford was in conceiving that his commission was a vested right, and that he might sell it for whatever he could acquire. That was not the case. It was not till the year 1814 that general officers were permitted to sell their commissions at all, and subsequently the period during which they could do so was limited to sixty years. Under these circumstances he thought the case which the hon. Member (Mr. Bernal) had brought under the consideration of the House, could not be entertained. Here the matter terminated.

On the question that the Order of the Day be read, being again put,

REWARDS OF NAVAL OFFICERS.] Sir *C. Napier* begged to call the attention of the House to the statement he had made the other evening, anxious as he was to sustain a character for justice, fairness, and impartiality. In making a comparison between the manner in which two Boards of Admiralty had rewarded different officers, he had stated the case of a captain (Maunsell), who, although distinguishing himself in command at an important action, had not been made C.B., while another Board of Admiralty had granted that honour to Captain Grey, who had only served with the army as a volunteer. Upon that occasion the present Secretary of the Admiralty very unwisely contradicted him; and the hon. Member for Halifax very indiscreetly contradicted him also. Both founded their contradiction upon an extract from the despatch of General Schoede. The Secretary of the Admiralty, and the ex-Secretary too, should have known the rules of the service better. [*A laugh*]. The recommendation of a general officer, in his despatch to the Secretary of State, unless supported by his own commander-in-chief, was absolutely good for nothing. He would show that in the case of Captain Grey the recommendation of General Schoede was not supported by the commander-in-chief in the slightest way whatever. Sir W. Parker, in giving an account of the number of ships he had brought up the river, did not mention the Endymion (which was commanded by Captain Grey) at all; and he went on to state, that so little resistance was expected it was not deemed necessary to land the seaman and marines. That showed pretty clearly that Captain Grey could not have commanded at their disembarkation. The despatch stated that Captain Richards, Admiral Parker's flag-captain, afterwards landed from the flag-ship with 200 marines, and a party of seamen. Admiral Parker expressed his admiration of the energy and ability with which the operations were conducted, eulogizing the zeal and gallantry of the officers, and enclosing a list of the ships and officers most conspicuously engaged. The only error he had committed was in stating that the Endymion was not at Chin-chow-foo, when in fact that vessel was there. Admiral Parker, as he had stated, enclosed a list of the officers who were under his command on the 21st of July, 1842, and in that list the name of Captain Grey did not appear. He (Sir C. Napier) was therefore perfectly right in stating that Captain Grey was not a captain-commandant, but a simple volunteer. He thought it was not right that a volunteer should receive the same reward that was accorded to an officer in command. In the case of an army landed by a fleet, if there was not employment for the naval officers in command, they might obtain leave from the admiral to attach themselves as volunteers to the troops, and they would have the same right which

Captain Grey possessed to the distinction which had been conferred upon him.

Mr. *C. Wood* expressed his surprise that the hon. and gallant Member had again adverted to this subject. When the hon. and gallant Gentleman alluded to this matter before, the main ground on which he found fault with the conduct of the Admiralty was, that Captain Grey could only be a volunteer, because his ship was not present. The hon. and gallant Member ought not to make assertions calculated to prejudice the characters and to wound the feelings of public men without due inquiry; and, by a reference to the *Gazette* he would find that the statement he made was not founded in fact. It was not for him to express an opinion as to whether the honour conferred upon the officer to whom the hon. and gallant Member had alluded was or was not deserved; but he was convinced his gallant relative would be unwilling to receive, as matter of favour, any distinction which was conferred upon other officers as a reward for their services. He had risen to set the gallant Member (Sir C. Napier) right upon a matter of fact. The hon. and gallant Member had, when he previously mentioned this subject, misstated the facts; and he believed that the hon. and gallant Officer had misstated them now. The hon. and gallant Gentleman had before stated that Captain Grey must be a volunteer because his ship was not present at the scene of operations, but the gallant Member had now found out his mistake, for it appeared by the despatch that Captain Grey's ship was on the spot. The list containing the stations of every vessel in the squadron showed that Captain Grey's ship was at Chin-chow-foo at the time of the attack. The next question was whether Captain Grey superintended the landing of Major-general Schoede's division? He was aware that Captain Grey was not in command of the detachment of sailors and marines which landed; but as an officer of the British navy he was charged with the duty of superintending the landing. [Sir *C. Napier*: "No, no."] What, would the gallant Member quibble about the despatch? [Sir *C. Napier*: I am not quibbling.] Major-general Schoede states,

> "I must also beg to express my best thanks to Captain Grey, commanding her Majesty's ship Endymion, who superintended the disembarkation of the brigade, and who volunteered."

[Sir *C. Napier* "Hear,"]—after having, as a matter of duty, superintended the disembarkation of the troops,

> "To accompany me throughout the day, for his able assistance and prompt and kind attention to every request I made him regarding the landing of the brigade."

After the brigade was landed, Captain Grey volunteered to accompany Major-general Schoede through all the toils and labours of the day; his services as a volunteer commenced from the time at which the disembarkation of the forces was completed, and throughout the operations of that day he accompanied General Schoede. He contended that these three points were clearly made out, that Captain Grey's ship was present at Chin-chow-foo, that he superintended the landing of Major-general Schoede's brigade, and that having done so he volunteered to accompany General Schoede throughout the operations of the day. The Board of Admiralty were the proper persons to judge whether or not the honour conferred upon Captain Grey was or was not deserved, but the facts which he had stated were borne out by public documents.

Captain *Gordon* had been surprised to hear any dissatisfaction expressed with regard to the honour her Majesty had been pleased to confer upon a gallant officer for services performed against an enemy. For his own part, he thought few persons could be found who would suppose that the honour conferred upon Captain Grey was misplaced. It was, he conceived, unnecessary for him to enter into any explanation of the reasons which had induced the Crown to award this distinction to Captain Grey; but he must say, that, having observed in the despatches of Major-general Schoede, that after superintending the landing of the brigade Captain Grey accompanied the troops — having seen that the general commanding the brigade spoke in the highest terms of the services rendered to him by Captain Grey, he could not imagine on what ground objection was taken to the favour which his Sovereign had seen fit to confer upon that gallant officer.

Sir *C. Napier* said, he was surprised that the hon. Member for Halifax (Mr. C. Wood) had laid so much stress on the mistake he had committed with regard to Admiral Parker's despatches. He read the despatches, but, on finding that the hon. Member complained of his misrepresenting the facts, he referred to the list of ships, and according to it the Endymion did appear to have been at Chin-chow-foo. The Secretary to the Admiralty and the right hon. Baronet opposite—

The *Speaker*: The hon. and gallant Member must confine his observations strictly to explanation.

Sir *C. Napier*. Well, Sir, I will explain then. The rules and customs of the service—[" Order, order."] Well, if I am not allowed to mention them, I will again refer to the despatch of a general officer. [*Again cries of* " Order, order."]

The *Speaker*: The hon. and gallant Gentleman must confine himself to explanation.

Sir *C. Napier*: Then, Sir, I have nothing further to say.

Captain *Pechell* regretted that this discussion had been revived. The hon. and gallant Member evidently felt, with other hon. Members and with Officers not in that House, that Captain Mansell had not been well treated. He maintained that sufficient and adequate honours were never conferred upon naval officers. [An hon. *Member*: Honours.] Yes, honours! Did the hon. Member think he was alluding to money? The estimates were, almost immediately, to be brought before the House; and he hoped hon. Gentlemen opposite would recollect the agreement which had been made the other night, when hon. Gentlemen on his (the Opposition) side allowed the vote for wages to pass. The persuasive powers of the hon. Gentleman the Secretary to the Admiralty had on that occasion prevailed with the hon. Member for Montrose (Mr. Hume), but he hoped that, in allowing the vote for wages to pass, they were not precluded from entering into a wide discussion on the estimates. It was agreed on all hands that the steam-power of this country was not justly maintained. Hon. Gentlemen opposite contended that this country did not possess sufficient steam-power, and that in this respect France was our superior. He contended, that the Government of this country had not availed themselves of some valuable suggestions for the improvement of steam-ships which had been offered to them. He was not going to accuse the Government of any reckless activity, or any mischievous meddling; but he did accuse them of mischievous delay, in not taking advantage of suggestions which, it had been proved to them, might have been adopted with great benefit in her Majesty's naval service.

Mr. *Hume* said, that the other night several votes of public money were brought forward after midnight; and, although he objected to some of those votes, yet he, with several of his hon. Friends, abstained from advancing those objections, on the understanding that, in committee, they would be allowed an opportunity of discussing them, although that course might be somewhat irregular. He hoped hon. Gentlemen opposite would keep good faith in this matter.

Mr. *B. Escott* wished to make a remark with reference to an observation which had fallen from the hon. and gallant officer opposite. The hon. Member had stated, that it was highly desirable, for the interests of the country, that captains and naval officers in command should always be particular in making reports of those under their command who had performed meritorious services. He (Mr. Escott) had himself known instances of great hardship, in which officers had lost their promotion merely from the negligence of their superior officers in not making proper reports.

Question again put.

BURGLARY.] Mr. *Ewart* said, that as alterations were contemplated by the Government in several acts relating to criminal offences, he wished to call the attention of the right hon. Baronet opposite to the fact, that a clause in a recent act of Parliament, which was, he believed, inserted in the other House, affixed to the crime of burglary the punishment of transportation for life. He thought it desirable that some alteration should be made in this enactment, as it left no discretionary power with the judge.

Sir *J. Graham* said, the circumstance to which the hon. Gentleman referred had not escaped his attention; but he could not now state the precise course the Government might adopt.

Order of the Day read.

On the question that the Speaker do leave the Chair,

OPIUM COMPENSATION.] Mr. *J. A. Smith* said, he wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer. On a former evening the right hon. Gentleman stated, in reply to a question, that it was his intention to send out to India, by the mail of to-morrow, directions for making certain distributions of the sums payable to the parties who had surrendered the opium at Canton. Was the right hon. Gentleman aware that the whole of the documents respecting these claims had been sent from India to England, that applications had been made at the Treasury for payment, and that the applicants were now waiting the answer of the Government? If the right hon. Gentleman adhered to his intention of sending out to India the instructions to which he had referred, great inconvenience and delay would be occasioned.

The *Chancellor of the Exchequer* said, that he did not understand that the state of the case was as it was represented by the hon. Gentleman. The only payment on account of opium that was made was at Canton, upon the production of certain receipts from Captain Elliot. If those receipts were forwarded to this country, as had been stated, he thought that it would be calculated to embarrass the Government with respect to a settlement of those claims. It was very necessary to avoid making double payments of this sort in China and in England; and therefore it was essentially necessary that before questions of this sort could be satisfactorily answered, every consideration should be given to the facts of the case, so as to know precisely in what situation the receipts on behalf of which these payments were to be made, are. After the statements which had been made by the hon. Gentleman, he thought it would be most inconvenient, if not absurd, to send out any final instructions with respect to this subject until he gave full consideration to the facts now brought under his notice. Under these circumstances, nothing could be said upon the matter until time is afforded for ample consideration.

Mr. *A. Smith* said, that he had received from India several communications upon this subject, principally with reference to the amount it was intended to distribute among those who had suffered losses by the seizure of this opium.

The *Chancellor of the Exchequer* said, that the Government had received the fullest information respecting the value of this opium and the time it was surrendered to the Government. The whole of those papers would be laid before Parliament, which he considered would be a more convenient course than laying them on the Table by piecemeal.

Mr. *Ewart* begged to ask whether it was intended by her Majesty's Government to continue in that anomalous course of permitting the further growth of opium in India? He must say, that any government which encouraged the growth of opium was committing a serious crime. He also wished to ask whether it was the intention of the Government to open the trade of Patna opium, which was at present a monopoly?

The *Chancellor of the Exchequer* said, that her Majesty's Government would be guided in the course they would pursue in respect to this subject by the fullest information that could be procured. The result of this inquiry had not as yet been perfected; but he hoped he should be soon able to lay the fullest and the clearest information with reference to the subject upon the Table of the House.

Sir *R. Peel* had only to say, what he had said on a former occasion, namely, that it was necessary to have the opinion of the person who had been sent out to China on this important subject. He thought, that looking to the peculiar character of our relations with China, and the immense importance which attached to the matter to which the hon. Gentleman (Mr. Ewart) had referred, it was essential that whatever was done should be done by the person who had local opportunities to form a judgment. He thought it would be better to postpone the question, as it was connected with our future relations with China.

SUPPLY—NAVY ESTIMATES.] House in a committee of supply.

On the question that a sum of 620,164*l.* be granted to her Majesty, to defray the charge of provisions and victualling stores, including freight and other charges, for 33,500 men, including 5,000 royal marines and 2,000 boys, to be employed in her Majesty's fleet, and also for the packet service, for one year, ending 31st March, 1844.

Captain *Pechell* availed himself of that opportunity to complain of the delay on the part of the Admiralty authorities in taking advantage of the various suggestions and improvements which had been made in our steam navigation. As far back as 1839 a vessel worked by Smith's screw propeller, the Archimedes, was brought under the notice of the Admiralty, and she made a voyage of some 5,000 miles in the most satisfactory manner. Great injustice had been done to those who had been the originators of this invention. In proof of this the gallant Officer referred to the case of the Rattler, at Sheerness. Mr. Smith had been removed, it appeared, and Mr. Brunel was superintending the fitting out of that vessel. But how stood the matter? Why, Mr. Brunel, in a letter stated that he was ready to fit a screw of such dimensions as Mr. Smith should propose as best adapted to carry out his views. He could not understand why the Admiralty, having so long since acknowledged the efficiency of this screw, should now almost throw impediments in the way of its more general adoption. This was no party affair, it was one in which the good sense of the House must ultimately prevail. There was a steam-yacht building for the use of her Majesty and he rejoiced at it. The service were delighted to find that her Majesty was pleased to take voyages. The more her Majesty saw of the navy the better.

Captain *Rous* approved of the reduction of 4,000 men in the navy, as we were now at peace with all the world. He thought that this reduction would in no way impair the efficiency of the navy. He would, however, recommend that the different captains now on service should have liberty to select from their crews and discharge all men of bad character. If this were done, the navy would be weeded of a thousand inefficient men, and the service much improved. With reference to the manning of the ships, he thought one Government had not allowed sufficient complements, but that the succeeding Government had gone to the other extreme. The present crews were too numerous. If they wanted to make good officers they should have short crews; the real merits of the officers would then appear. There was a point relating to the victualling which he wished to press. It was, of course, of the utmost importance that the men on board ship should be orderly and sober. Twenty-nine out of thirty of the offences that occurred arose from drunkenness. He should recommend, therefore, the American system, which, he believed, had been found to succeed, of giving increased wages to the men who did not drink. It was clearly absurd to bring up your men in a practice which took ten years from their lives. But if the House would not consent to increase the expense, at least the rations of spirits might be taken away from boys of the first and second class. He was happy to hear from the right hon. Baronet, that it was intended to reduce the Mediterranean fleet, and he hoped the right hon. Baronet would carry his intentions into effect of having only four sail of the line on that station. Ships that were sometimes lying in Malta harbour eight months in the year; and he once knew a ship lie in the Tagus for three years. These were bad schools both for seamen and young officers. He thought, too, that the system of permitting captains of ships to take their wives and families with them open to serious objection. Another practice to which he objected, was that of selecting men for the highest commands in an inverse ratio to their efficiency, the practice being to appoint those to the most responsible posts who had been longest ashore. An officer who was allowed to remain long ashore generally got married, and that alone took 40 per cent. away from his efficiency.

Mr. *C. Buller* wished to ask a question respecting the mode adopted by the Government for the transport of troops. It appeared that two regiments had recently been ordered to the Cape of Good Hope. The Admiralty had, in the first instance, advertised for ships, but, instead of accepting any tender, they had sent out the troops in two of her Majesty's ships, the Thunderer, and the Rodney, the expense of which proceeding he had heard estimated at 41,000*l.* Large merchant vessels in every way eligible for the service, might have been hired at the rate of 8*l.* a-head, which would have made the expense for taking out the troops, which amounted to 1,000 men, only 8,000*l.* These statements had been made to him on most respectable authority.

Mr. *S. Herbert* was surprised to hear the expense of sending out the reinforcements to the Cape estimated at so large a sum as 41,000*l.* The hon. and learned Member opposite seemed to have derived his information from persons connected with the shipping interest, whose calculations were made in a very different manner from that in which the estimates to lay before Parliament were prepared. It was in fact no easy matter to make a comparison of the two modes of transport, on account of the difficulty of calculating exactly the wear and tear. There could be no doubt as to the superiority of the Queen's ships in accommodation and celerity, which latter quality had peculiarly recommended their employment in the service alluded to by the hon. and learned Gentleman.

Mr. *Bernal* wished to call the attention of the committee to two subjects. First of all he wished to know whether the marines were to be furnished with percusssion muskets. Every one, whether professional or amateur, knew the inefficiency of the old musket, which missed fire five times out of seven. In this age of improvement, when such rapid progress had been made in every branch of art and manufactures, fire-arms used for warfare were in their infancy. The other subject to which he wished to direct attention, was the propriety of employing steam to a greater extent in our navy. It had been said, that a steam-fleet could easily be formed in the event of a war out of our commercial steam-vessels. He doubted this, from the circumstance that these vessels had not been built with a view to enable them to withstand the shock of artillery.

Sir *F. Trench* had heard that some of the bayonets used in the late Affghan war were of such wretched manufacture as to be found utterly unserviceable in charging the enemy. These, however, he understood, were furnished by contract to the East-India Company. Nothing was more injudicious than parsimony in such matters as these. The hon. Gentleman who had just sat down was, however, mistaken in supposing that any apathy existed on this subject at the Ordnance office; on the contrary, it occupied much of their attention, and 36,658 percussion muskets had been already furnished to the troops.

Sir *C. Napier* differed from the hon. and gallant Member for Westminster (Captain Rous) as to the manning of our ships, and could see no reasonable objection to their present complements. We did not discover in the late war that our ships were undermanned until we saw them, one after another walking into the American ports. He recommended that the crews should be more frequently at sea and less time in port, where they wasted their time in a series of useless manœuvres. He thought the observations of the hon. Member for Westminster (Captain Rous) respecting the employment of officers who were unfit for service, were well worthy of the attention of the Government, and that it was quite useless to continue such a system. He thought, also, we had not directed sufficient attention to steam-vessels, and that a committee of naval officers and engineers should be appointed to take into their consideration the improvement of this branch of navigation. The French paid much more attention to steam navigation than we did. We had not a single war steamer through the sides of which a shot would not pass, and the men would be positively cooked before they could get from the engine-room to the deck if a shot should strike the boiler. He must also say that he entirely disapproved of employing men of war for carrying troops, since his experience had taught him that it destroyed the efficiency of the crews and disgusted the officers.

Mr. *Hume* observed, that no one had done more for the improvement of arms than Lord Vivian. He had spared no exertion to obtain the best information on the subject, and when the first vote for new arms was submitted to the House, it was admitted by all that anything short of the very best description of musket would be but a false economy. He therefore hoped that every British soldier, whether in the army or navy, would have such put into his hands without delay. He objected to the number of line of battle-ships which it was proposed to keep up, particularly after the testimony of several gallant officers, that they would be kept lying useless in harbour for months. Keeping up twenty-eight sail of the line at a time of perfect peace seemed to him to incur a shameful waste of public money at a time of financial distress, and to inflict a serious injury on the service by lessening the efficiency of the force when it came to be required. The best way, in his opinion, would be to keep up a squadron of frigates, which were notoriously the best class of ships for the discipline of seamen, and for making good officers. He agreed with what had just fallen from the hon. and gallant officer respecting steam-vessels. No country could compete with us in the excellence of our machinery and the cleverness of our engineers; and no expense should be spared in making improvements, and in speedily applying them to the naval service. He hoped the present Government would show some consideration for the assistant-surgeons of the navy, and give them that position which their character and education fairly entitled them to. Higher qualifications were required of them now than heretofore, and he saw no reason why they should not be put upon a footing in every respect with the assistant-surgeons of the army. A reference to the evidence taken before the naval and military commission would show how unjustly they had been treated, and he did hope that the Government would not overlook the question. Against the present extent of our naval force he must protest. It was preposterous to be called on to vote 6,250,000*l.*, when all that was required for the actual and effective service of the navy was 1,065,000*l.* Unless some new regulations were adopted he should feel it his duty to submit a motion on the subject to the House. We were at perfect peace, France had not one quarter the number of our ships, and taking the whole world together, we had nothing to compete with us. He did not object to the pay of the men, that he considered too low; but he did object to the number of officers, many of whom were promoted, and then laid on the shelf; giving a show of strength, but in reality creating weakness.

Mr. *S. Herbert* would briefly reply to the several points which had been referred to. It had been asked, what course the Government would pursue in reference to the screw of Mr. Smith? He stated the other night that the late Board of Admiralty had taken up the question, and arrived at the decision that Mr. Brunel should co-operate with Mr. Smith for the purpose of ascertaining the particular mode of screw best adapted for ships. In the course of the year Mr. Brunell had been called to Italy, and Mr. Smith, without his co-operation, proceeded with his experiments, and invented a screw called "Smith's screw." Different modifications of this had since been made, which went by the names of those who made them, and it was in that view only he had spoken the other night of Brunell's screw. Experiments were being now made at Portsmouth in order to test their relative merits, and every attention would be paid to the subject by the Admiralty. With regard to the complements of men for different ships, the present complements, notwithstanding the opinion of the hon. and gallant Member for Westminster, were generally admitted to be a great improvement upon the old system. As to the complaint of the employment of old officers instead of young officers, that subject was one of great difficulty. If the old officers were passed over, it was complained that they were set aside to make way for young officers, and *vice versa.* To both courses objections were taken, and the Admiralty, in the exercise of its patronage, were obliged to keep open employments as rewards for meritorious services. As to the allowance of grog to boys, that was a matter upon which medical opinions had been taken, and against those opinions those of non-professional Gentlemen ought not to too lightly pronounced.

Mr. *C. Wood* expressed his concurrence in the observations of the hon. and gallant Member for Westminster, and believed that the Board of Admiralty would find that a vast number of officers entertained the same opinion as that expressed by the hon. and gallant Member. He differed entirely from the hon. Member for Montrose as to the further reduction in the number of men, for he (Mr. C. Wood) thought (and it was due to hon. Gentlemen opposite that he should state it) that the reduction for the present year went as far as was prudent. He, however, hoped in a future year, a further reduction would take place.

Captain *Pechell* was rejoiced to find that the hon. Gentleman the Secretary to the Admiralty had erred when he attributed to Mr. Brunell the merit of the Archimedean screw, invented by Mr. Smith, and he was glad he had elicited that explanation. He wished, however, to know whether Mr. Smith was now superintending the erection of the machinery under his plan on board the Rattler, at Sheerness? It was said that the various improvements suggested had not been attended to, because the Admiralty had been too much occupied with other matters. That was true, but how had they been occupied? Why, by going back to the old system of the Navy Board, of which the right hon. Baronet opposite (Sir J. Graham) had when First Lord of the Admiralty got rid. They had given up the duties of the dock-yards to the civil power, while the right hon. Baronet had placed those discharging those duties under the operation of martial law. He must complain of the want of ships on foreign stations. At Monte Video there were two American ships, there was a large French frigate, there was a Brazilian vessel, and a Swedish vessel, and our whole force was only one brig. As the case of the assistant-surveyors in the navy had been mentioned, he felt bound to put in a claim on behalf of the masters, and to express a hope that the memorial some time since presented by this most valuable class of officers would be attended to. He could not avoid also pointing out on the present occasion how improperly the Income-tax was brought to bear upon all branches of the service. He held in his hand a circular issued from Somerset-house and forwarded by the Admiralty to all admirals, captains, and pursers, and which in effect appointed them taxing officers, collectors, and almost informers. Now let the committee remember that an admiral commanding-in-chief was allowed for table money at a certain rate per day, amounting in the year to 1,000*l.*; but from this grant of the public to an officer holding a high station, and having to discharge the duties of that station with hospitality, a reduction of 3 per cent. was to be made in the shape of Income-tax; in short he must reduce his hospitalities or the comforts of his table, because, in fact, the Chancellor of the Exchequer either forbade so many guests or whipped off so many dishes from the table.

Captain *Jones* said, the condition of the assistant-surgeon, which had been mooted by the hon. Member for Montrose, was of considerable importance. The question why these were permitted to mess in the ward-room or gun-room had not yet been answered. He agreed with the hon. Member [for Montrose in thinking that such a concession, which would be satisfactory to the medical officers, would be of great advantage to the service.

Captain *Gordon* said, he had listened with great attention to all that had taken place, but would not now enter upon the points touched upon, as they would regularly come before the committee when the votes to which they respectively related were proposed. He would merely say a word on one or two topics which had been urged, and to which no vote applied. As to the assistant-surgeons, he begged to state that the recommendation of the naval and military commission had been carried out with the exception of that as to rank. However, the whole subject of the navy regulations would undergo revision. With reference to the messing of the assistant surgeons, he was afraid it was not quite so simple a matter as some hon. Members seemed to suppose, because there were other officers, such as mates, who had passed for lieutenants, who must rank at least equal with the assistant-surgeons; and if all these were to be placed in the same mess great inconvenience would arise. The subject would, however, be taken into consideration. With regard to the masters in the navy, he begged to assure the hon. and gallant officer opposite (Captain Pechell) that the memorial to which he had referred had been under consideration; and that the Board would fairly consider their claims, and do what might be considered right upon the subject.

Mr. *Hume* remarked, that he observed that a grant was taken out for only twenty-three schoolmasters. How was that?

Mr. *S. Herbert* replied, that many of the chaplains discharged the duties of schoolmaster, having an additional allowance.

Captain *Pechell* complained of the consequences of this arrangement. It seemed that because a chaplain acted as a schoolmaster, the captain was to deduct three per cent. from his additional income. So much for education and church extension people. But the Chancellor of the Exchequer went further than this, he even deducted the three per cent. from the additional pay which was received by engineers of steam-vessels whilst in a tropical climate. The Chancellor of the Exchequer had instructed captains of ships to get hold of this pittance, which these poor fellows received for sweating under a tropical climate.

Captain *Rous* did not wish the men who liked grog to give it up; all he desired was to give a premium to temperance, and this would be his answer to the remarks which had fallen from the hon. Member for Aberdeen. He wanted to see old officers properly rewarded, and that they should have something comfortable to look to in their old age. He was quite satisfied, in reference to what had been said about the number of men required in ships, that it was very injurious to have ships not properly complemented.

Sir *C. Napier* could not agree in any proposal to take away the men's grog. A dram at sea under some circumstances was of great advantage; he had taken a dram sometimes himself. He wished the old officers to have those advantages which their length of service fairly entitled them to. He hoped, therefore, that the Admiralty would establish it as a rule, that no man in future should be put on the efficient list, except a vacancy by death took place. As a reduction to the extent of 400,000*l.* had been made in the estimates, he hoped the Chancellor of the Exchequer would draw his purse-strings and devote a sum of about 20,000*l.* to the efficient list.

Vote agreed to.

On the question that the sum of 125,459*l.* be granted to defray the expenses of the Admiralty department,

Mr. *C. Wood* said, this vote gave him an opportunity to refer to a matter which he had alluded to on a former occasion. It was the new item which appeared in the vote, and which comprehended the creation of a new officer, that of deputy accountant-general. There was a first class clerk to be reduced, so that the expense of this new office would, therefore, only be the difference between the sum to be paid to the new officer and the salary of a first-class clerk; but, though the additional amount would be small, his objection was not so much to the amount as to the principle. He could see no adequate reason for the creation of this new office. It was, in his opinion, the first step towards a return to that objectionable state of things which existed some years ago. The new officer was to act as deputy to the civil lord of the Admiralty. Upon principle he always objected to the appointment of deputies, except in those cases where they were indispensable. In particular, when bills required to be signed, or money was to be paid away, he thought it was an unsound practice to have these offices discharged by deputy. The only reason for the appointment of a deputy accountant-general that he could see was to relieve the civil lord of the Admiralty from the trouble of writing a certain number of signatures. He was of opinion, that it was advisable that nothing should be so arranged as to free the civil lord of the Admiralty from the necessity of personal daily attendance at Somerset-house. It was important that a civil lord should be at the office to attend to the duties personally; and when the office was first established the civil lord had a house given to him to live in at Somerset-house. When this House was taken away for public uses, the civil lord of the Admiralty was put on the same footing as a lord of the Treasury, without a house; and this led to the difficulty which had been occasionally experienced in procuring the regular attendance of the civil lord at Somerset-house. It was a great check on the office in the personal attendance of the civil lord at Somerset-house; but this great advantage would be lost if a deputy accountant-general was appointed. There was another point why a civil lord of the Admiralty should be at Somerset-house; it was the opportunity he would have of furnishing important intelligence to the Government, not only as more immediately concerned his own office, but as concerned other departments. He was quite aware that a civil Lord of the Admiralty must trust greatly to his clerks; but then it was something for him to feel that the responsibility of the department rested on him, which would make him watchful over them. He repeated that he objected to the appointment because he thought it a recurrence to the old system which had been completely put an end to by the recent changes, and the very life and soul of which were that each lord of the Admiralty should attend to the details of his own peculiar department.

Mr. *Sidney Herbert* did not see how it could be made out that the responsibility of the Lords of the Admiralty, for any department under their charge, was in any degree lessened by the present clause. In common with the hon. Gentleman who last spoke, he, too, should be peculiarly jealous of any thing which could tend to trench upon the new and beneficial system introduced by his right hon. Friend (Sir J. Graham), or appear any thing like a return to the old system; but, so far from regarding the additional appointment now in question as an approach to a vicious system, he considered that it would operate as a more efficient check to the many payments in this most important branch of the public service. The responsibility on the Board of Admiralty would be in no degree less than before, for the signature of two Lords would still be necessary in all contracts, &c.—the only difference being this advantageous one, that instead of a third Lord of the Admiralty, the accounts would be signed by an officer specially appointed for this purpose, whose duty it would be carefully to examine the details of each bill, and who might naturally be expected to do this with a closer degree of attention and more minute accuracy than any other person. In the course of the year there were no less than 40,000 bills to go through in detail. Before this new officer was appointed a great many errors had been passed over, but since the appointment had taken place, such errors had been detected and corrected, much to the public advantage. It was to be borne in mind, besides, that neither the Accountant-general nor his deputy had of themselves the power of ordering the payment of a single individual.

Mr. *Labouchere* must say that, for his part, he did expect the right hon. Baronet opposite would speak as to a measure, which was a large step towards the entire subversion of the improved system which the right hon. Baronet had introduced into the Admiralty. On a former night he had understood the right hon. Baronet to say across the Table that he had not been consulted on this change before it was actually carried into effect. If so, and if the right hon. Baronet considered, as surely he could not fail to do, that this change would counteract to a very great extent the improvements which he himself had taken so much pains to introduce, he was quite sure that the right hon. Baronet would not hesitate to express his opinion on the subject; and if that opinion were unfavourable to the change, to exert his influence to have that change superseded. As had been pointed out by his hon. Friend, the life and soul of the improved system was, that each Lord of the Admiralty should have under his superintendence one particular department, for the management of which he was responsible to the first Lord. The Accountant-general's department was a most important one. No less than six millions were paid every year in that department: was it consistent with the practice in other public departments that so immense a sum as this should be paid on the signature of subordinate persons, however efficient and respectable? It was argued that the junior Lord of the Admiralty had so much otherwise to do that he ought to be relieved from the investigation of these multifarious accounts; but surely the business of the junior Lord was neither so extensive nor so complicated as that of the Accountant-general. It appeared to him to be of the utmost importance that there should be an indispensible obligation on the junior Lord of the Admiralty to attend constantly at Somerset-house. If, when he was at the Admiralty, he had proposed to his right hon. Friend (Sir James Graham) to throw aside some of his labours and to neglect signing those bills, he could imagine how firm would have been the refusal of his right hon. Friend, and in what strong terms his right hon. Friend would have commented on his proposal. And what was the reason now assigned for thus excusing the junior Lord from these duties? It was said that the number of bills was doubled in amount; but that did not justify the departure from the principle on which the present system was founded, and it threw, contrary to that principle, the responsibility on the subordinate officers. He was persuaded that his right hon. Friend could not approve of the alteration. The reason alleged for it rather implied a necessity to relieve the Accountant-general than to relieve the junior Lord, and if he were relieved, the Accountant-general must be relieved. He admired as much as any man the great zeal of that officer. He had the control of six millions of money, and had under him one hundred and twenty clerks; but with all his zeal and all his assiduity he might require assistance. In that case the check which was implied in his individual responsibility would be lessened or destroyed. He hoped, therefore, that his right hon. Friend if he had sanctioned this plan, would reconsider the subject. It tended, he thought, to disconnect the Admiralty from Somerset-house, and he feared, if the scheme were persisted in, that it would lead to the revival of the naval board, and to that system of opposition to the First Lord of the Admiralty which was formerly one of the motives of his right hon. Friend for recommending the abolition of the navy board. That was the first step towards the revival of that board. It was opposed to the present system, which had hitherto worked well, and which, if left alone, would, he was satisfied, continue to work well.

Captain *Corry* defended the appointment. The deputy-accountant being required to enter into a bond for a considerable sum, really provided a greater security for the public money than under the present system. He would relieve the junior Lord from some of his work, and allow him to devote his time to more important matters than merely putting his signature to bills. All the security that was now possessed would be continued, and in all cases of doubt the superintending Lord would be referred to as at present. He must now attend as closely as before the appointment of the deputy accountant-general, and he must be daily at Somerset-house. The only difference was, that the junior Lord would be relieved of some unimportant routine duties, and be able to attend to things of more importance.

Mr. *Hume* said, this was the first attempt which had been made to break into the improved system. The appointment of this new officer was to relieve the Civil Lord; it impaired the principle of responsibility which was the foundation of that system, by destroying the responsibility of the junior Lord. The new check which was created by that responsibility would be destroyed, and by and by all responsibility would be done away. Now, instead of one individual at Somerset-house being controlled by a Lord of the Admiralty, two individuals, both at Somerset-house, would have the whole business in their own hands. It would cause great public inconvenience. He had objected to a similar appointment when the Exchequer-office bill was before the House, and then he had predicted that the appointment of a deputy to which he had objected would lead to the principal neglecting his duty. He had then said, that the chief would be absent three days out of four, and it appeared from a return, that out of 455 days the comptroller had been absent 350 days. He censured the appointment because it tended to weaken responsibility and destroy the present system.

Sir *J. Graham* admitted that his right hon. Friend the Member for Taunton (Mr. Labouchere) had a right to call on him to give his opinion on this question, and he would do so. He would first disembarrass the question of some unnecessary details; and must at the outset state that no principle was involved in the appointment. If there were any principle involved in it, and if it went to infringe on the principle he had established, no Member would look on the matter with greater jealousy than he should. It was impossible for any person to state with greater clearness than had been stated by the hon. Member for Halifax the principle of the measure he (Sir J. Graham) had introduced for reforming the Admiralty. It was founded on the principle of dividing and subdividing the different branches of the administration of the navy, and placing every branch under the superintendence of some responsible officer. Over each of the great departments was placed one of the lords of the Admiralty, who was to have the superintendence of that Branch. Through that means he hoped to throw the first Lord into continual communication with all the junior Lords, and enable him to acquire a knowledge of everything that was going on. That was the principle of his measure, to which he attached great importance. If any change had been made in that respect, if that principle had been weakened, if there were any Lord of the Admiralty excused from his duties, if there were any diminution of responsibility, no man would more strongly object to the change than he should. By the new arrangement, anything preliminary to the signing of bills remained unchanged. As he understood, all the ordinary bills drawn, and all the bills presented for payment, must be authorised by the signatures of two Lords, or of the superintending Lord. That invariable rule would not be departed from. Every payment would be brought under the supervision of the board or of the civil Lord. The preparation of all the documents to the final payment of the bill itself remained unaltered. The act which he had passed left a latitude to the board as to the mode of preparing the bills for payment, but they must be either signed or countersigned by the Secretary of the Admiralty, or the Accountant-general. The right hon. Gentleman referred to the act of 1832, and read a clause to show that it was not imperative, according to that clause, that the bills should be signed by the Lords of the Admiralty, but might be signed by a special officer appointed for that purpose. He did not deny that it was most important that one of the Lords should attend daily at Somerset-house; and when the right hon. Gentleman (Mr. Labouchere) was in the Admiralty he was constant in his attendance, and set an example which was worthy of imitation; but his practice was still adhered to, and one of the Lords of the Admiralty was now daily in attendance at Somerset-house, and attended regularly to the business of the Accountant-general's office.

Thus the principle which he had established was adhered to. He proceeded next to the practice of signing the bills; and the question was, could the civil Lord's signature to the bills be dispensed with? The question did not concern, in the smallest degree, the preparation of the bill, but the counter-signature of the Lord after it was presented for payment. The right hon. Gentleman had made an important admission, which might go a long way to justify the step which had been taken. The right hon. Gentleman said that the business of the Admiralty had increased very much since 1833. He believed that the number of bills was more than double. In 1832 the number was 18,000, in 1842 it was 42,000. Was it necessary that the signature of a Lord of the Admiralty should be affixed to all those bills? He had foreseen the possibility of that not being necessary, and in his act he had reserved the power to make that change. He had foreseen the necessity for dispensing with the signature of a Lord of the Admiralty, and he therefore saw no departure from principle in dispensing with his signature. It was dispensed with in other cases. There was no class of payments in which there was a greater probability of fraud being committed than in those to the out-pensioners of Greenwich, and to them no signature of any Lord was required. It was clear, therefore, that the counter signature of a Lord was not always necessary, and that it might be dispensed with. He was prepared to contend, under these circumstances, that the opinion of the House ought to be favourable to the transfer of business now proposed. Such a vast increase of bills had taken place that it was no longer practicable for a Lord of the Admiralty to sign them all. If they could not be countersigned by a Lord, by whom were they to be countersigned? It was only by carrying out that principle of subdivision which he had acted on, and which he thought in time must be carried further, to relieve the Lord from signing these bills. He had also foreseen that, in case of war, it would be necessary to make some other subdivisions, and divide the service into several branches. For example, he believed, that an Assistant-secretary, under such circumstances, might be necessary, who should not have a seat in Parliament. The question was one which time must decide. The payments at the Treasury were, he believed, all sanctioned only by the Secretary of the Treasury. He contended, therefore, that this was a question only of detail, and that none of the principles of the great measure he had introduced had been infringed. Every department would still be supervised by a Lord of the Admiralty; one of them would be daily at Somerset-house. He certainly should look with great jealousy at any infringement on the principles of his measure, but he saw none in this case, and had no objections to make to the plan proposed.

Mr. F. *Baring* said, that the right hon. Gentleman had referred to the subdivision of the labours of the Board as the principle of his bill, and the right hon. Gentleman had admitted that it was for the consideration of Parliament whether the Board was efficient or not. But this alteration had been made without any reference to Parliament. The principle of responsibility was violated by the transfer of the superintendence of the civil Lord to two subordinate officers. The right hon. Baronet had made him doubt, by his defence of the plan, whether it were likely to turn out well. The right hon. Gentleman had admitted that it was important that the bills should be signed by a Lord of the Admiralty, and no ground had been stated why that plan should be given up. The justification was, the increase of bills; but though there might be a considerable increase since 1833, there was no great increase within a year or two. Did his noble Friend Lord Dalmeny, find any difficulty in executing the duties of his office? Did he ask for assitance? No; yet the business was then as extensive as at present. At what period, too, was it proposed to make this alteration? He had heard of an increase of duties at the Admiralty in case of war, but what measures were the Administration now taking? Why, at this moment, they were reducing the estimates, and they promised to reduce them more; and just now, at the time when they were reducing the navy, they were creating this new office. A great deal was said about 42,000 bills; but, divided by the number of official days in the year, they would not amount to more than 140 bills a-day, and it would be no great labour to sign them. He thought a Lord of the Admiralty could easily do that and attend to his other duties. He saw no ground, therefore, for the proposed alteration, and he thought the committee should look on the change with suspicion, as tending to break in on the system established by the right hon. Gentleman.

Sir *James Graham* explained that the alteration was proposed by Mr. Briggs, the Accountant-general, to whose zeal and assiduity the right hon. Gentleman had borne his testimony. That Gentleman was, perhaps, one of the first accountants of the country, and his exertions, he thought, could not be surpassed. Now, Mr. Briggs had written a letter to the Admiralty, dated July 29, 1842, in which he stated that the business of his office weighed heavily on the persons employed. In particular he complained of the number of bills to be examined and signed, which was much greater than before. In this letter it was also remarked, that the documents were becoming so numerous, in consequence of the extension of public business, that a great portion of the time of the superintendent at Somerset-house must be engaged in the mere signature of them; and there was no additional security afforded by it, as the mass of papers to be submitted was so voluminous that it was impossible for him to satisfy himself as to their accuracy, or make himself acquainted with their contents, even in the most superficial manner. It was on this document that the change mainly rested, and, for himself, he must say, that he attached the greatest importance to the authority of Mr. Briggs.

Sir *Charles Napier* observed, that the House was in a very awkward predicament. Here was an ex-junior lord of the Admiralty, and an ex-secretary of the Admiralty, objecting to an alteration that had recently been made as injurious to the public service, while on the other side, there was the Secretary of the Admiralty, and junior Lord of the Admiralty, with with the ex-first Lord of the Admiralty, maintaining that the change so far from being injurious was calculated to be of benefit to the public service. This he said, left the House in a very awkward predicament, and he did not know how they were to get out of it. But then the junior Lord who had not sufficient time to sign letters, was engaged in looking after the ships and docks. In the name of God! what had the Civil Lord who ought to be looking after the accounts, to do with the ships and docks of the navy? He believed that was a part of the duty that belonged to the Civil Engineer's department, and ought to be under the direction of the senior rather than of the junior Lord. But, then it was said, that the hon. Member for Taunton, when he was a junior Lord, was told he should live at Somerset-house. Why did not the junior Lord live there now? He supposed he did not, as he was allowed 200*l.* a-year for a house. The junior Lord ought to be there and at his work. It was no great hardship for a gentleman who received 1,200*l.* a-year to have to sign two hundred letters a-day. It was his opinion that all the Lords ought to reside at Somerset-house; but then the ladies objected to it, as there was not as good quarters there as there were at the Admiralty. Why, when a gentleman came out of his room in the morning, after his breakfast, he sat himself down to his business. Well, then he sat himself down at his desk, and his business was at hand—he had all his letters, and it must disturb him considerably to be obliged to leave one office to go to another. But it had been said that the bills had increased from 18,000 to 42,000. If there were a war that number must be doubled, and then he supposed that they should have another deputy accountant-general. As to the letter of Mr. Briggs, he must remark that it was dated in July, 1842; but then they had had a decrease in the navy estimates of 400,000*l.* It was his opinion that if another Lord of the Admiralty were proposed, no objection would be made to it, and, in his opinion, it would be impossible to do without it.

Mr. *C. Wood*, in reply, remarked that the clause referred to by the right hon. Baronet (Sir J. Graham), showed that it was the intention that the bills should be signed by a Lord of the Admiralty. In order to have an expression of the opinion of the House, he intended to move that the estimates be reduced by 100*l.*

The committee divided on the question that the sum granted be 125,359*l.*:—Ayes 45; Noes 124: Majority 79.

List of the AYES.

Aldam, W.
Baring, rt. hn. F. T.
Barnard, E. G.
Bernal, R.
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Browne, hon. W.
Busfeild, W.
Duke, Sir J.
Duncan, G.
Dundas, Admiral
Ebrington, Visct.
Ewart, W.
Forster, M.
Fox, C. R.

Gore, hon. R.
Hallyburton, Lord J. F.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Hindley, C.
Hume, J.
Humphery, Ald.
Hutt, W.
James, W.
Labouchere, rt. hn. H.
Layard, Capt.
Marsland, H.
Martin, J.
Mitcalfe, H.
Morris, D.
Napier, Sir C.
Norreys, Sir D. J.
Pechell, Capt.
Plumridge, Capt.
Ross, D. R.
Rundle, J.
Scholefield, J.
Thornely, T.
Wawn, J. T.
Williams, W.
Wood, B.
Wood, G. W.
Yorke, H. R.

TELLERS.

Wood, C.
Tuffnell, H.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Antrobus, E.
Arkwright, G.
Baring, hon. W. B.
Baskerville, T. B. M.
Bentinck, Lord G.
Beresford, Major
Boldero, H. G.
Borthwick, P.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Buck, L. W.
Bunbury, T.
Campbell, Sir H.
Chapman, A.
Chelsea, Visct.
Clerk, Sir G.
Clive, Visct.
Colvile, C. R.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncombe, hon. A.
Duncombe, hon. O.
Egerton, W. T.
Eliot, Lord
Escott, B.
Ferrand, W. B.
Fitzmaurice, hon. W.
Fitzroy, Capt.
Flower, Sir J.
Forbes, W.
Fuller, A. E.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goulbourn, rt. hn. H.
Graham, rt. hn. Sir J.
Grogan, E.
Halford, H.
Hamilton, Lord C.
Hampden, R.
Hardinge, rt. hn. Sir H.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Hussey, T.
Inglis, Sir R. H.
Irton, S.
Jermyn, Earl
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E
Knight, H. G.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Mackenzie, W. F.
Mc Geachy, F. A.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Marton, G.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Morgan, O.
Mundy, E. M.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Packe, C. W.
Peel, rt hon. Sir R.
Peel, J.
Plumptre, J. P.
Rashleigh, W.
Repton, G. W. J.
Rous, hon. Capt.
Russell, J. D. W.
Scarlett, hn. R. C.
Seymour, Lord
Shaw, rt. hon. F.
Somerset, Lord G.
Spry, Sir S. T.
Stewart, J.
Sutton, H. H. M.
Tennent, J. E.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Trevor, hn. G. R.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Waddington, H. S.
Wellesley, Lord C.
Wortley, hn. J. S.
Wyndham, Col. C

TELLERS.

Freemantle, Sir T
Pringle, A.

The proposition to vote 125,459*l.* for the salaries and expenses of the Admiralty Office was agreed to.

On the vote of 2,980*l.* for the salaries and expenses of the office for the registry of merchant seamen being proposed,

Captain *Pechell* remarked upon the inefficiency of the office. The system did not seem to have worked well; there were not above half of our merchant seamen registered in the office.

Sir *J. Graham* said, that although the establishment was one opposed by merchants and shipowners, yet that it was calculated to be of essential service to the navy. On the whole its effects had approximated towards success. It was of course capable of many improvements, and he knew that the gallant Commodore opposite had interested himself in their successful execution. If the hon. and gallant Gentleman would direct his attention practically to the point he could assure the hon. and gallant Gentleman that he would not be wanting to second his endeavours; and he hoped that, for the sake of making a slight reduction in the estimates, the House would not throw any impediment in the way of the progress of an object of such national importance.

Mr. *Charles Wood* begged to ask the hon. gentleman the Secretary to the Admiralty whether any effectual steps had been taken with a view towards improveing the state of the registry, and erasing fictitious and double entries? for unless something of this sort could be done, the value of the registry would be extremely small. A number of persons who had been entered upon the registry were dead, and their names, he understood, had not been erased.

Sir *C. Napier* said, that before the question of his hon. Friend was answered, he wished to state, that he had paid muc attention to the subject before the committee. He believed that the register would not be complete until the Registrar-general furnished every seaman, upon enrollment, with a ticket of registration. If the registration system were rigidly carried out to the length to which he would be inclined to urge it, it would supersede the necessity of the existence of the odious practice of impressment. He would like it to be made obligatory upon every boy who went to sea as an apprentice for a term of years, to serve, after the expiration of that term, for a certain period on board of a man-of-war, before he should become entitled to be a registered seaman. It would be well to adopt some such system, in order to get rid of the manifold evils and hardships of impressment.

Vote agreed to.

On the question that 124,353*l.* be for the expenses of the naval establishments at home,

Captain *Rous* objected to the great expense of the ships kept in ordinary; at the same time he said that much praise was due to the right hon. Baronet near him for having so readily adopted the new system of building. He ridiculed the idea of converting the Penelope into a steam frigate. The experiment he felt convinced would never succeed. With reference to the construction of steamers he could not help expressing his surprise that th eengines of Mr. Napier, or those of Messrs. Maudaley and Field, were not patronized in preference to those of Messrs. Seward, because the former never failed, while the great friction of the latter was much complained of. After what had been said to-night he hoped the troops of her Majesty would always be conveyed abroad in ships of war.

Captain *Pechell* disapproved of converting thirty six-gun frigates into steamers, but thought the Admiralty of late years entitled to great credit for the improvements introduced in the building of ships of war. The superior class of ships now employed had contributed more than anything else to the suppression of the slave-trade on the coast of Africa.

Captain *Gordon* admitted the great expense of keeping ships in ordinary; but that expense was necessary in order to have a sufficient number of vessels ready for commission at a moment's notice upon any emergency.

Sir *C. Napier* considered it impolitic to build many large vessels. In his opinion they ought only to have such a number of ships as could be manned with facility. He wished to know whether it was the intention of the Admiralty to try the Albion before proceeding to build other vessels of similar construction?

Captain *Gordon* was understood to say that the intention of the Admiralty was, before adopting any improvements in shipbuilding, to test their efficiency.

Mr. *Hume* thought much unnecessary expense was incurred in the building of large ships, which were of no service but were allowed to rot in harbour. He thought the remarks of the hon. and gallant Officer who had alluded to this subject were well deserving the attention of the Government. The hon. and gallant Member opposite had alluded to the state of the transports, and had said that they were frequently commanded by officers who were not competent to discharge their duties. He thought that some proof of the truth of this statement was afforded by the experience of the last few years, but he yet believed that the number of ships of war lost exceeded that of the transports. As a large sum of money was voted annually for defraying the expense of transports it was, he conceived, the duty of the Government to ascertain that the ships employed in this service were safe and efficient.

Vote agreed to.

House resumed.—Committee to sit again.

House adjourned.

HOUSE OF LORDS,

Monday, March 6, 1843.

MINUTES.] BILLS. *Private.*—3^{a}. Lady Fleetwood's Naturalization; Samwell's Name.

PETITIONS PRESENTED. By the Duke of Buccleugh, from Dover, against the Union of the Sees of St. Asaph and Bangor.—By Lord Cottenham, from the county of Salop, and from Drogheda, for an Alteration of the Law of Debtor and Creditor; and against Imprisonment for Debt.—By the Marquess of Lansdowne, from a London Missionary Society, against Lord Ellenborough's Proclamation.—From Nairn, for Inquiry respecting the Parochial Schoolmasters in Scotland; and for Altering the Instruments of Sasine.

INSANITY AND CRIME.] Lord *Brougham* said, that in the event of his noble and learned Friend on the Woolsack, or his noble and learned Friend, the

Lord Chief Justice of the Queen's Bench, not agreeing that it was necessary to bring in a measure, or to make any proposal relative to the state of the law relating to the crimes of persons alleged to be labouring under partial insanity, he should feel it his bounden duty to call the attention of their Lordships to the subject. He would do so with the more reluctance, because any such proposition would come with much better grace from either of his noble and learned Friends. It was only the present emergency of the case which induced him to take it up. But if either of the noble and learned Lords would take the matter in hand, he would be most deeply anxious to render them the best assistance in his power.

The *Lord Chancellor* said, he was happy his noble and learned Friend had mentioned the subject. He (the Lord Chancellor) had already turned his attention to it with a view of discovering if anything could be done to remedy the evil. He was about to enter into communication with those persons who were most likely to afford correct information upon the subject. Whether the course he had commenced would be productive of any practical effect or not, he could not then say, but he would take an early opportunity of again adverting to the subject. Meanwhile, he should be happy to co-operate with his noble and learned Friend.

Lord *Brougham* said, that nothing could be more satisfactory to the country than the statement just made by his noble and learned Friend. He should be most happy to communicate with him at all times, which might best suit his convenience and that of his Colleagues. There were, perhaps, reasons why his noble and learned Friend, the Lord Chief Justice, from his high position in the administration of the criminal law, should undertake the subject.

The *Lord Chancellor* said, had he been aware, that the noble and learned Lord intended taking up the question, he would have communicated to him the course Government intended to pursue.

Lord *Denman* said, he had not at all turned his mind to the consideration of this subject, but certainly he had formed an opinion, arising out of late events, that it would be highly proper the matter should be made the subject of a most careful consideration. The more he reflected on the question, the more he was of opinion that it was highly proper such a measure should be brought forward by her Majesty's Government. He need not say on the part of himself and the rest of her Majesty's judges, if her Majesty's Government thought their counsel or testimony could in any degree be useful in framing the measure, they should be happy to afford it. For himself, he should esteem it a most important duty to give every advice or assistance in his power.

Lord *Campbell* said, they could all have but one common object in furthering such a law, and he rejoiced, that the consideration of her Majesty's Government was about to be given to it. He should not have said a single word on the present occasion, if he had not apprehended some misunderstanding might arise from what had fallen from his noble and learned Friend behind him (Lord Brougham). His noble Friend had used the words partial insanity, and it might be thought, that persons labouring under partial insanity, were relieved from all responsibility. That, he apprehended, was not the law. Unless it were proved that insanity existed at the time the act was committed, and that such insanity might be duly considered the immediate cause of the criminal act, there was at present no immunity from conviction and punishment. He hoped it would be considered by the noble Lord on the Woolsack, whether some measure might not be taken for apprehending and putting into safe custody those labouring under this dangerous state of mind. There might be great difficulty in convicting persons who were not in a state of mind to be responsible for their actions; but it was monstrous to think that society should be exposed to the dreadful dangers to which it was at present subjected, from persons in that state of mind going at large.

Lord *Brougham* explained, that what he meant by "partial insanity" was more properly expressed by the word "monomania." Monomania did not mean that partial insanity which went and returned at various times, but the mind was at all periods under its influence. He had merely desired to distinguish the state of mind he meant to describe from total and absolute deprivation of reason.

Subject at an end.

CORN-LAWS.] Lord *Monteagle* said

he had postponed his motion several times on account of the indisposition of a noble Lord, a Member of the Government, who was naturally desirous, and would be expected by the public to take a part in the discussion. He was in hopes to have heard to-day that the noble Lord would have been able to have been in attendance; but, from what he learned, he was afraid, that the noble Lord was not yet sufficiently recovered to attend. The nature of the motion, which was for a committee of inquiry, rendered it inexpedient to postpone it much longer. In fixing a day for the discussion, it was painful to do so in any way that would seem calculated to hurry that noble Lord, but he now felt it his duty to give notice that he would bring it forward, not on Thursday next, which was the day the noble Earl had himself named, but on Tuesday next.

The Duke of *Wellington* feared his noble Friend would be unable to attend on the day fixed by the noble Lord, and what was more, he could not say when he would be able. No doubt the question was in the hands of the noble Lord; but, at the same time, their Lordships would see how desirable it was, on a question of such importance, that his noble Friend, filling the particular department he did in her Majesty's Government, should be present during the discussion.

TOWNSHEND PEERAGE.] The Earl of *Shaftesbury* brought up the report of the committee appointed to search for precedents, with respect to the petition of the Marquess Townshend. The committee reported, that they had searched for precedents, and that there was no proceeding competent for the relief of the petitioner, except by bill, and they recommended, if the House entertained the claim of the petitioner, that the bill should be in the nature of a private one, in behalf of Charles Vere Ferrars Townshend, commonly called Lord Charles Townshend.

Adjourned.

HOUSE OF COMMONS,

Monday, March 6, 1843.

MINUTES.] BILLS. *Public*—1°· Health of Towns.
2°· House of Lords Oaths; Turnpike Roads (Ireland).
Committed.—Punishment of Death.
3°· and passed:—Justices of the Peace (Ireland).
Private.—1°· Cockermouth Roads; Mansfield and Worksop Roads; Bercot and Oxford Navigation; Clarence Railway; Bolton Gas; Chepstow Water.
2°· Edinburgh Water.

PETITIONS PRESENTED. By Mr. D. Barclay, Mr. Busfeild, Dr. Bowring, Sir G. Strickland, and Sir H. Fleetwood, from Sunderland, Cleckheaton, Preston (39 petitions), Sabden (16 petitions), Read, and Durham, for the Total and Immediate Repeal of the Corn and Provision Laws.—By Mr. Ferrand, Mr. A. Chapman, Mr. Arkwright, Mr. Walter, and Mr. Broadley, from Whitby, York, Nottingham, Pocklington, Hereford, Ludlow, Leominster, Barnstaple, Chester, and Knaresborough, against the Ecclesiastical Courts Bill.—By Mr. Divett and Mr. Ferrand, from Barnstaple, and George Wythen Baxter, against the Income-tax.—By Sir R. H. Inglis, from Great Yarmouth, for Church Extension, in favour of the Parochial system of Education, and against any further grant to Maynooth College.—By Lord Clive and Lord Ashley from Carlisle, Llanwnda, Lianfaylen, Doon, Falmouth, Northampton and Shaston, against the Union of the Sees of St. Asaph and Bangor.—From the Hibernian Anti-Slavery Society, against the Tenth Article in the American Treaty.—From Leeds, against Machinery.—From Newry, for Altering the Laws Regulating the Spirit Trade in Ireland.—From Thomas Clark, for Legal and Judicial Reforms.—From Glasgow, in favour of the Scotch Church.

POOR-LAWS.] On the motion that the Order of the Day for a Committee of Supply be read,

Mr. *Walter* rose to move for the production of a return of which he had given notice. He observed, that having on a recent occasion come down to the House in order to discharge a duty and engagement, when from the state of indisposition under which he laboured, and was, indeed, still labouring, he almost sank under the task, he felt, nevertheless, bound to take one more opportunity of pressing upon the attention of the House some remarks in corroboration of what was the undoubted fact—that the dark document which he first laid before it was the foundation of the subsequent Poor-law, and of all the miseries with which the population of England had been since afflicted. He said, there were various degrees of certainty in the human mind—one kind being called moral certainty—another, mathematical certainty—and so on. He did not know, however, that he ever read of a variable certainty; yet, it was possible, and an instance might be adduced, in which he, for example, might be told by an hon. Member, that he did not know whether a certain document for which he asked now existed. Then, that hon. Member might have a faint recollection of it. Then, this faint recollection might expand into certainty. At last, he might know all about it—that it had been given in a confidential way to a gentleman with whom he once was connected, but who was now dead; and that therefore, he was guilty of a breach of confidence in bringing it before the House. He would, however, take this statement, only giving a caution against the introduction of other people's names, lest he should be forced to follow the example. Once more, he declared, that he he did not know whence he had it, and that it must have lain by him several years; nor was he aware he had it till just before the Session commenced. So far from any blame being imputable to him for exposing it, he should but have participated in the guilt of those who planned and penned it if he had concealed it. "Why, Sir (said Mr. Walter), what do men mean by confidence in an affair of this kind? Confidence is an honourable feeling both in him who entertains it, and in him towards whom it is entertained; but if the object of the confidence be, like this report, infamous, mischievous, cruel, who but dishonourable men can be bound by it? Detection and exposure are every man's duty. I say this, on the supposition that the detestable production in question was ever confided to me, but to that insinuation I have before replied. I neither know, nor remember, nor believe any such confidence. The report lay by me for years, and was only discovered, taken up, and perused, all accidentally." Then it had been said that the law was not founded upon this secret report of the commission of eight. Their respective contents proved this to be false. They were as like as the instructions for a malignant will, by which the rightful heirs of an estate are to be dispossessed, are to the will itself. To prove this fact a few examples would suffice:—

"After this has been accomplished (says the secret report,) orders may be sent forth directing that after such a date all out-door relief should be given partly in kind; after another period it should be wholly in kind; after another such period it should be gradually diminished in quantity, until that mode of relief was extinguished. From the first the relief should be altered in quality, coarse brown bread being substituted for fine white; and, concurrently with these measures, as to the out-door-poor, a gradual reduction should be made in the diet of the in-door poor."

And again—

"The power of the commissioners should be to reduce allowances, and not to enlarge them."

And now he would show the cautious manner in which these base suggestions were carried out in the avowed report—

"The commissioners should be empowered to fix a maximum of the consumption per head within the workhouses, leaving to the local officers the liberty of reducing it below the maximum if they can safely do so."

Whence again, he asked, sprang the cruel injunction that no relief should be given to the unemployed, able bodied labourers out of the workhouse? "All new applicants for relief (says the secret report) should be at once taken into the workhouse." And Again—

"The Board of Control shall have power, by an order, with such exceptions as shall be thought necessary, to disallow the continuance of relief to the indigent, the aged and the impotent, and in any other mode than in a workhouse."

The avowed report was full of passages to the same effect. This was the very essence of the existing law. Could this be the work of two independent powers of evil? No. Here was its origin in that dark code of instruction on which, in defiance of fact and common sense, it was asserted that the present law was not founded. It occurred again and again in the dark report, that no relief was to be given out of the workhouses, and with equal frequency was the same atrocious practice enjoined in the derivative law. But further, could anything equal the harsh and unfeeling manner in which the English poor were spoken of in the avowed report? They were described as inferior to savages, and to be amended only by fines, distress warrants, and imprisonment. The following extract from the first instructions to the assistant-commissioners would serve as a specimen of the spirit by which the octovirate, he supposed he might call them were animated—

"It has been supposed that it was to the 43rd of Elizabeth, and to the superintendence which it forced the richer to exercise over the poorer, that we owed the industry, the orderly habits, and the adequation of their numbers to the demand for labour, which within the memory of man distinguished the English labourers; and that the idleness, profligacy, and improvidence which now debase the character and increase the numbers of the population of many of the south-eastern districts, are owing to the changes, partly by statute and partly by practice, to which that law has been subjected. On the other hand, it has been maintained that it is the natural tendency of public relief, however purely and wisely administered, to become a substitute, and a very bad substitute, for private charity on the part of the rich, and industry and forethought on the part of the poor."

"If the conclusions drawn in the House of Commons' report of 1817 be correct,—if it be true, that 'unless an efficacious check be interposed, the amount of assessment will continue, as it has done, to increase, until, at a period more or less remote, according to the progress the evil has already made in different places, it shall have absorbed the profits of the property on which the rate may have been assessed, producing thereby the neglect and ruin of the land, and the waste or removal of other property, to the utter subversion of that happy order of society so long upheld in these kingdoms;'—if the progress of the evil, even during the short period that has elapsed since that report was made, may be traced in the diminished cultivation of the land; the diminution of industry, forethought, and natural affection among the labourers; the conversion of wages from a matter of contract into a matter of right, and of charity itself into a source of discord, and even of hostility; in the accelerated increase of form of profligacy; in fires, riots, and organized and almost treasonable robbery and devastation,—if such be the representation which the commissioners have to make to his Majesty, they cannot append to it a suggestion of mere palliative amendments."

This extract made a part of the text; but now came the general index to the assistant-commissioners' reports. An index was a direction to the contents of the work; and the temper of this work might be accurately though briefly appreciated by reciting a few heads of the index:—

"Poor Laws.—A check to industry, a reward for improvident marriages, a stimulant to population, and a blind to its effects on wages.

"Have become a national institution for discountenancing the industrious and honest, and for protecting the idle, the improvident, and the vicious.

"Have become a system for preventing the accumulation of capital, for destroying that which exists, and for reducing the rate-payer to pauperism.

"Paupers.—Generally worthless and profligate, mostly made so by improvidence and vice. The chief receivers of donations from charitable institutions and charitable ladies, on whom they impose.

"Much better off than soldiers.

"Generally made so by vicious habits, and not by unavoidable causes.

"Made by lying-in hospitals, soup kitchens, blanket societies, and permanent charities.

"Disimprove rapidly both in skill and morals. Know accurately the allowance of food in each workhouse and each prison within their district, and try to enter where the largest and best is given.

"In workhouses fare luxuriously compared with the labourers of Ireland or Scotland."

How different this from the language of Lord Ripon which he had before quoted! Was he not justified, then, in stating, that all these commissioners came with their minds as fully bent against the poor as St. Paul was in his unconverted days, when he was described as breathing out threatenings and slaughter against the slandered and humble converts to Christianity? But still they were told that Lord Grey's Government did not adopt this document, though its spirit, as he had shown, was infused into every succeeding one. Why, people who could believe this denial must be Nature's fools, and not the dupes of the Poor-law. He had three proofs exhibiting the character of similar fraud and deception; each succeeding document indicating its parentage and descent from the first, and yet endeavouring to mitigate or cloak its knavery. First, he had a garbled general order with respect to pauper funerals. Next, he had a diet table, which, though it was signed by all the commissioners, was now disavowed, when they found the cruelty it disclosed had awakened public attention; but their preparation of it, and their intent to carry it into execution, were as notorious as any fact could be. Then, he had the evidence taken before the committee on which he himself sat, which evidence was suppressed for no other reason than that, if duly investigated, it would be found to make against the committee itself, to falsify its report, and to disprove the assertions of the Poor-law functionaries. And, after all these proofs, both from fact and analogy, they were told to believe that the secret report was rejected by Lord Grey's Government! Really the amateurs of the New Poor-law arrogated to themselves the privilege of publishing or suppressing—of leaving untouched or changing—whatever they presented to the Parliament of the country. And these were the people who were now taking on them the fabricating a plan of education which was to instil into the rising race the principles of integrity, honesty, fair dealing, and truth! With respect to the charge brought against him of traducing the immortal duke, every one knew how respectfully he had spoken of that illustrious man. But, with all his admiration of him, it would be the excess of sycophancy in him or any one to assert that his Grace came too near to omniscience to be liable to imposition. If, indeed, he had used expressions like the following, as applied not only to the Duke of Wellington, but also to the right hon. Baronet who was now at the head of the Government—that

> "He had no confidence in them; that it was impossible to compose a Ministry of worse materials; that their whole lives had been devoted to oppose good Government and to uphold bad."

If, he said, he had used these expressions, and had afterwards taken office under those persons whom he had so severely stigmatized, then he should indeed have rendered himself justly liable to the reproach and derision, not only of that House, but of all the country, and every honest man in it. But that any one who had really used those expressions should venture to reproach another with traducing the duke, did appear to him to transcend the usual bounds of human confidence, or at least to indicate such a want of memory and consistency as must disqualify the man himself from the discharge of any public functions. He concluded with moving for an account of the sums expended in out-door relief to the poor during the years 1841 and 1842, and of the work performed for such expenditure.

Sir *James Graham* said, that the hon. Gentleman at the commencement of his speech complained of his being disqualified by indisposition to address the House; he (Sir James Graham) might, at all events, say, that he was disqualified to answer the hon. Gentleman, and that for the best of all reasons, he had not been able to hear the greater part of the observations which the hon. Gentleman had addressed to the House. Perhaps, however, the circumstance of his not hearing the hon. Gentleman might not be without its advantages, as he had no doubt he should have the opportunity of reading a very accurate report of what the hon. Gentleman had said, and, if he were to be disposed at a future day to follow the example of the hon. Gentleman by bringing forward the question another time, he should, no doubt, be able to reply to what the hon. Gentleman had now stated. The hon. Gentleman, with great simplicity, had asked the House, "What was confidence?" And he then proceeded to give a definition of it, which, if, in its philological sense, it did not appear to be very intelligible, in its practical application must be clearly understood by the House. The House had witnessed what was the construction which the hon. Gentleman had put upon the observance of confidence. He could only tell the hon. Gentleman that he entirely differed from the practice which the hon. Gentleman had himself given them an example of upon the subject on which he thought fit to observe; and his hope was, not only that he should never follow the hon. Gentleman in his definition, but that he should equally avoid following the hon. Gentleman in his practical example. On the present occasion, however, he would not be induced by the hon. Gentleman to enter upon a repetition of the arguments he addressed to the House on a former evening. It was enough for him to state, that with respect to the first part of the motion he had not the least objection. He was perfectly willing to present a return of the sums expended in out-door relief to the poor during the years 1841 and 1842; but with respect to the latter part of the motion, it was entirely out of his power to hold out the least expectation that any such return could be furnished. If an account of the work performed for the sums expended could be given, he was not aware of any reason why it should not be presented, but he did not know of any materials out of which the return could be made.

Mr. *Walter* did not wish to press for more than could be furnished; he should therefore move for the return, contenting himself with so much as could be given.

The *Speaker* suggested, that being an amendment on an original motion, the hon. Member should withdraw his motion.

Motion withdrawn.

OPIUM COMPENSATION.] Mr. *J. A. Smith* begged to remind the right hon. Baronet (Sir R. Peel) that on Friday last the Chancellor of the Exchequer promised to furnish additional information respecting the opium compensation question.

Sir *R. Peel* begged to state, in answer to the hon. Gentleman, that her Majesty's Government could have no other object excepting that of reconciling these two purposes—to do justice to individuals, and at the same time to protect the public purse. It was quite clear that it was the duty of the Government to protect the public purse. They had therefore no objection to lay on the Table of the House the information which they had received from India with respect to the cost price of this opium at the time when it was seized. Before they proceeded to any adjudication upon the rights of the claimants, the House would be in possession of all the information, and be able to form a distinct judgment upon the subject.

THE TOWNSHEND PEERAGE.] The Earl of *Leicester* regretted that the first time he had the honour of addressing the House, it should be on an occasion on which he felt himself called on to defend his character from certain observations which had been made by a noble and learned Lord, and late a Lord Chancellor of this country [" Order."]

The *Speaker* : It is against the rules of the House for any hon. Member to allude directly to the debates which have taken place in the House of Lords.

The Earl of *Leicester* was anxious to observe the rules of the House; he would therefore say, that he had found it stated in one of the public journals of the country that a noble and learned Lord had observed, that

> " The present Lord Townshend was seventy years of age—he was in feeble health—and if he died without his marriage being dissolved, the consequence would be, that the son of Mr. John Margetts, the brewer of Huntingdon, who, first as Mr. John Margetts, jun., then as Lord John Townshend, and now as the Earl of Leicester, would be the root and stirps of a family imposed with an audacity wholly unparalleled in the history of fraud and deceit."

Now, he should not have risen to take notice of these words, were it not that, as a Member of the House, he thought it was right that he should set himself free from those charges, for the purpose of giving satisfaction to the House, and he thought that if he did not do so, he should be unworthy of a seat in that House. It was not his wish, nor was it his intention on that occasion to enter into the merits of the question now so painfully in dispute. He would only allude to the motives which he must say, had been most infamously and scandalously attributed to him by a certain noble and learned Lord, for the purpose of setting himself clear of them by some positive denial on his part. It was most extraordinary that the noble Lord should come down to the other House of Parliament and make such statements. [" Order, order."] It was extraordinary that any individual—and especially an individual who had been formerly the keeper of the Royal conscience—should act as the noble Lord to whom he referred had acted, and should give decided opinions, upon *ex parte* statements, without his having any means in his power of proving his assertions. He wished the noble Lord had not given him the painful necessity of rising on the present occasion; he wished that the noble Lord had had the patience to wait till he had heard what could be said *pro* and *con* upon the subject, because, of course, what the noble Lord said, must have a prodigious effect on the judgment of the country, considering the situation which the noble Lord had held. It must have an immense effect upon society at large. It had entered into his (the Earl of Leicester's) fancy, though he could hardly believe it—nevertheless it had appeared to him, that there had been something of a partizan or party character in the observation which the noble Lord had made. He was sorry that the noble Lord had made these remarks; but it was well known that the noble Lord was very much in the habit of tarnishing and throwing observations of a painful and aspersing character upon individuals. It appeared to him that private character was of too sacred a nature to be aspersed lightly by any party. He might add, that before he had come into the House, it had occurred to him that he should be better consulting, and more sincerely, his own dignity and character, if he were to take no notice of the observations in question, and if he were to allow such remarks to find their own level, as such observations in the course of time always did. He took this opportunity of imploring the House and the country not to form an opinion on *ex parte* statements. He exexpressed his deep sense at the manner in which both that House and the public press had abstained under the present partial view of the case, from giving utterance to any opinion on a subject that was so peculiarly personal to himself. The noble Lord concluded by beseeching the House and the country to suspend their judgments until all the evidence of the case was properly before them.

Question again put.

MR. CLEMENTS — BREACH OF PRIVILEGE.] Mr. *Ferrand* said, before the House went into committee of supply, he wished to call its attention to what he conceived to be a very extraordinary breach of its privileges. Last Thursday week, when the hon. Member for Nottingham brought the subject of the Poor-laws under the notice of the House, he thought it his duty to refer to the conduct of Mr. Clements, who was an assistant Poor-law Commissioner in the north of England. He on that occasion was obliged to state that Mr. Clements had, at the board of guardians at Halifax, conducted himself in an insolent and overbearing manner, and that he had treated those who had passed a great number of years in the service of the public, as guardians of the poor, most unbecomingly, in telling them that it was their duty to employ the working classes in cutting down hills, and stating that if the place were five miles from the workhouse, so much the better, as it would keep them out of mischief. Now he found that on Wednesday last, at a meeting of the board of guardians at Halifax, Mr. Clements, the assistant Poor-law Commissioner, was present in his official capacity. At that meeting preliminary steps were taken for the erection of a treadmill in the workhouse of the union, which was to be used as a rag-tearing machine; and a resolution was passed by the board, under the sanction of Mr. Clements, for the purpose of preventing him (Mr. Ferrand) and the public ever after being furnished with an account of the proceedings of that board, it being a resolution for the exclusion of reporters from all future meetings of the board. Moreover, Mr. Clements, who was a public officer, receiving a salary out of the public funds, assisted at the same board for the purpose of passing a resolution condemnatory of his conduct in that House for employing the terms he had used in reference to the conduct of Mr. Clements. Now, he wished to ask hon. Members whether he had not a right to express an opinion upon the conduct of a public officer, who, as an assistant Poor-law Commissioner, had sanctioned the purchase of a hill by a board of guardians, in order that they might employ the poor to cut it down—who had countenanced the erection of a treadmill in the union workhouse, to inflict upon poor men who asked for relief a punishment similar to what was inflicted upon criminals in the public gaols? He would ask whether these proceedings were not calculated to disgust the people, more especially of the north of England, and whether it were not high time for the House to put down the tyranny of the triumvirate at Somerset-house? He had thought it his duty, as a Member of the House, to make this statement, and he should leave any further proceedings upon the question in the hands of the House. It was necessary, he believed, that he should move as an amendment,

> "That Mr. Clements be called[1] to the Bar of the House to explain his conduct."

Mr. *Walter* seconded the amendment.

Mr. *Hume* considered, as a matter of form, that it was necessary to lay on the Table of the House the grounds of complaint against the individual who was to be called to the Bar of the House. He did not understand why any individual should be called to the Bar of the House without some reason being assigned.

Mr. *Ross,* having the honour of knowing Mr. Clements, felt called upon to say a few words, in reply to the observations made by the hon. Member for Knaresborough. From his (Mr. Ross's) knowledge of the high character of Mr. Clements, he felt confident that that gentleman was entirely incapable of the misconduct which had been imputed to him. On Mr. Clements reading a report of what had been said in the House of Commons respecting his proceedings at Halifax, he wrote a letter to a quarter from which he (Mr. Ross) had learned it, stating that everything which had been alleged by the hon. Member was founded on a statement made by a local newspaper, of a most false and audacious character, and that in consequence of his calling the attention of the board of guardians of the union of Halifax to it, that board came to a determination that reporters who could report such false statements should no longer be admitted. If the hon. Member for Nottingham had not seconded the present motion, he (Mr. Ross) should have felt it his duty to have done so, on the part of Mr. Clements himself, because that gentleman was exceedingly desirous that everything should be known by the House with regard to his conduct and character.

Mr. *Ferrand* wished, in explanation, to say that the hon. Member for Belfast had misunderstood him, if he thought that he (Mr. Ferrand) meant to make any attack upon, or misrepresentation of, the character of Mr. Clements. He had but referred to the public conduct of an officer of the Government on an occasion of his assisting at a board of guardians, when a vote of censure had been passed by them upon his (Mr. Ferrand's) conduct as a Member of that House.

Colonel *Wyndham* would certainly support the motion of the hon. Member for Knaresborough, as he conceived that Mr. Clements had much overstepped his duty in bringing forward a motion to censure the hon. Member.

Sir *James Graham* said, on a former occasion the hon. Member for Belfast (Mr. Ross) had declared that he knew Mr. Clements, and that he believed him to be incapable of the conduct imputed to him. He (Sir J. Graham) certainly did, on a former occasion, express his regret that such imputations should have been made. He stated, at the time, that it did appear to be a great stretch of the privilege of the House, that any hon. Member, speaking of a Gentleman in his absence, should use an expression so strong, and as he believed so unjustifiable, as that which fell from the hon. Member for Knaresborough. He knew nothing but what he had heard from the hon. Member respecting this case; but, as he understood it, the hon. Member for Sussex (Colonel Wyndham) had misunderstood what had fallen from the hon. Member for Knaresborough. Mr. Clements made no motion whatever respecting the conduct of the hon. Member for Knaresborough. In the discharge of his duty, Mr. Clements had the opportunity of attending the board of guardians, when the topic now before the House was discussed by them; and taking their own view of the matter, they thought that the expression of the hon. Member was not justified by the demeanour or the conduct of Mr. Clements. Though technically it might be a breach of privilege to notice what took place in the House of Commons, yet those guardians having known Mr. Clements, which the hon. Gentleman had not—they having seen him in the execution of his duty, which the hon. Gentleman had not—they knowing perfectly well his conduct, which the hon. Gentleman knew only by hearsay—came to a resolution directly negativing the assertion of the hon. Gentleman, namely, that the conduct of Mr. Clements was insolent and unjustifiable. The brunt of Mr. Clements' offence, as it appeared to him was, that when the resolution was put he did not withdraw. He could not conceive that Mr. Clements' offence could be carried further. Now, he could not say, that, according to the doctrine of privilege, Mr. Clements might not have acted somewhat irregularly when such a resolution was put by the Board, in not withdrawing. It was possible he might have acted irregularly: he did not mean to say, that such was his opinion; but, as far as the present question was concerned, he was quite prepared now, at the present moment, while not attaching too much confidence to the hon. Member for accuracy, yet, taking the hon. Gentleman's statement as it now stood, he (Sir James Graham) was quite prepared to come to a vote, that it was not expedient to carry this matter further, and to support the motion that the original words should stand part of the question.

Mr. *Ferrand* rose to explain: When he should have been a public character as long as the right hon. Baronet had [*cries of* " Order, order—explain!"]

The *Speaker:* The hon. Member must confine himself strictly to explanation.

Mr. *Ferrand*: The right hon. Baronet stated that, without placing too much confidence in what I had stated, he should resist the present amendment [" Order."] I have risen only to explain. The right hon. Gentleman misunderstood what I stated [" Order]. The board of guardians at Halifax was not convened specially for the purpose of passing the resolution condemnatory of what I stated in this House; but this resolution was brought forward by a Member of that Board without any notice being given to any of the other Members, and what I complain of is, that Mr. Clements, as an assistant Poor-law Commissioner sat at that Board, and assisted at the passing a resolution respecting words used by me as a Member of this House, and reflecting upon my character.

The House divided, on the question that the words proposed to be left out stand part of the question—Ayes 195; Noes 6: Majority 189.

List of the NOES.

Borthwick, P.
Colville, C. R.
Crawford, W. S.
Douglas, J. D. S.
Sibthorpe, Col.
Wyndham, Col. C.

TELLERS
Ferrand, W. B.
Walter, J.

[It seems sufficient to give the names of the minority only.]

Question again put.

TREADMILLS IN WORKHOUSES. Mr. *Liddell* said, it had been stated by the hon. Member for Knaresborough that Mr. Clements, the Assistant Poor-law Commissioner, had, in conjunction with the board of guardians of Halifax, taken preliminary measures for erecting in the union workhouse at that place a treadmill, in order to carry out the labour test. He wished to ask, whether the right hon. Baronet the Secretary of State for the Home Department was cognizant of the adoption of such a resolution as that to which the hon. Member for Knaresborough had referred, or whether he was aware that such preliminary steps had been taken?—and, if so, he wished to ask the right hon. Baronet whether he approved the proceeding?

Sir *J. Graham* said, about an hour before he came down to the House, he received a notification from the hon. Member for Knaresborough of his intention to ask whether it was intended that a treadmill should be erected in the workhouse at Halifax. He (Sir J. Graham) had barely had time to communicate with the Poor-law Commissioners on the subject. He had, however, immediately despatched a messenger to the commissioners, and he had received from them an assurance that the hon. Member for Knaresborough had been misinformed, and that no intention existed of erecting a treadmill in the workhouse. He (Sir J. Graham) was informed that the guardians intended to erect a handmill—a mill for the grinding of corn, worked by hand, and he understood that mills of this description were not unfrequently adopted in workhouses. He conceived that the erection of a treadmill in a workhouse would be a most unjustifiable measure, and he was convinced that in this particular instance no such intention existed.

CLAREMONT STABLES.] Mr. *Hume* had observed in some of the public prints, a statement that it was the intention of the Government to erect new stables at Claremont, at an expenditure of 30,000*l.* or 40,000*l.* of the public money. He hoped that no such intention existed, and he begged to ask whether there was any foundation for the statement?

The Earl of *Lincoln* said, that no intention was entertained of building stables at the public cost. The trustees who had been appointed to superintend the property were about to build new stables in the place of the old ones, but the expense of the erection would be defrayed from the funds at the disposal of the trustees, and not from the public purse.

Mr. *Hume* understood that the sum surrendered by the King of the Belgians, when he quitted this country, was paid into the public treasury. He wished to know whether or not that was the case?

Lord *Stanley* said that trustees—of whom he had the honour to be one—had been appointed to superintend the payment of certain annuities, and to see that the buildings at Claremont were maintained in tenantable repair. After the payment of the annuities, and of the expenses of repairs, the balance of the sum voted to His Majesty the King of the Belgians was paid over to the public treasury—the amount so paid varying from 32,000*l.* to 36,000*l.* A sum not exceeding 6,000*l.* a-year was appropriated to the repair of the premises; and the expense of the alterations now in progress would be defrayed from that sum.

The Earl of *Lincoln* said, the hon. Member for Montrose had stated, on the authority of the newspaper, that the cost of the buildings in course of erection at Claremont would amount to 30,000*l.* or 40,000*l.* He begged to inform the hon. Member that the expenditure for this purpose was not to exceed 6,000*l.*

EMPLOYMENT OF POOR IN FACTORIES.] On the question being again put,

Mr. *Ferrand* wished to put a question to the right hon. Baronet the Secretary of State for the Home Department; but, before doing so, he would, in consequence of what had fallen from the right hon. Baronet, take that opportunity of stating, that he had himself delivered at half-past 12 o'clock, the note he had addressed to the right hon. Baronet, intimating his intention of putting a question as to the erection of a treadmill in the workhouse at Halifax. The letter was, therefore, delivered three hours and a half before the right hon. Baronet came down to the House. The House was aware that a cotton-spinner in Yorkshire had been convicted of monstrous cruelty to his workpeople; and about three weeks ago he moved for some documents, for the purpose of showing that the board of guardians of Skipton had entered into an arrangement with this cotton-spinner to supply him with hands from the union workhouse. The right hon. Baronet then stated that the Poor-law Commissioners were not acquainted with the circumstances of the case. The report of the factory inspectors had since been laid on the Table of the House, and any hon. Member who perused that report must be horror-struck at the manner in which the man to whom he referred had treated his hands. It appeared, that in May, 1842, this man was supplied with about twenty hands out of the Skipton workhouse. Three of them were cripples, almost unable to walk, and they were taken away in a cart. Three or four of them were orphans, who had no protectors. He wished to ask whether, after the statements which he had made on a former occasion, the right hon. Baronet the Secretary of State for the Home Department had thought it his duty to institute any inquiry as to the truth of those statements, and, if so, what had been the result?

Sir *J. Graham* said, that in consequence of the report to which the hon. Gentleman had referred, and in consequence of a return as to a conviction made in conformity with the motion of another hon. Member, he had suggested to the Poor-law Commissioners the propriety of instituting an inquiry on the subject, and that inquiry was not yet concluded.

SUPPLY—NAVY ESTIMATES.] Order of the day read, and the House in Committee of Supply. On the question that a sum of 23,132*l.* be granted for defraying the salaries of officers in her Majesty's naval establishments abroad,

Mr. *Hume* said he understood, that by the recent treaty, this country had agreed to reduce its naval establishments on the American lakes. He wished to know whether or not it was intended to carry that agreement into effect?

Mr. *S. Herbert* said, it was the intention of the Government to carry out the provision of the treaty to which the hon. Gentleman referred.

Vote agreed to.

On the question that a sum not exceeding 591,951*l.* be granted for defraying the wages of artificers, labourers, and others employed in her Majesty's establishments at home,

Mr. *Hume* wished to know whether any plan had been adopted for preventing difficulty or mistake in forwarding the yards and spars required for the outfit or repair of ships of different classes. He thought the establishment of a naval museum would be a beneficial measure. There was a vast number of naval models lying in Somerset-house, which had hitherto been neglected.

Mr. *S. Herbert* said, that a classification of spars and yards was at present always adopted in the dockyards. He doubted whether the establishment of a naval museum would be of benefit to the public.

Mr. *Hume* said, that the charge in this vote was too great, unless it was intended to continue building ships of a large class. He wished to see iron ships of war used.

Mr. *S. Herbert* said, there was one iron vessel afloat, and another iron steamer had been ordered by the Admiralty.

A vote of 37,490*l.* for wages to artificers &c., employed in her Majesty's establishments abroad was agreed to.

On the vote of 1,055,894*l.* for naval stores, building and repair of ships, docks, wharfs, &c., and for steam machinery,

Mr. *Hume* said, that the right hon. Baronet (Sir J. Graham), when at the Admiralty, had greatly reduced the amount of stores kept on hand. That plan had been acted on for a number of years; but he feared they were now about to resume the old and bad practice of buying articles to lie and rot in the yards. He wished to know, if it were possible to have a comparative statement of the amount of stores after the right hon. Baronet had made his reductions and the present time. He objected to going on increasing the stores on hand.

Sir *J. Graham* said, that it must be remembered that a certain class of naval stores could not be supplied in a short time. It was necessary to have on hand a stock of these stores. He had never consented to lay on the Table a comparative statement of the kind asked for by the hon. Gentleman, as the hon. Gentleman seemed to think. He did not consider it would be expedient to do so.

Vote agreed to.

On the vote of 234,868*l.* for new works, improvements and repairs in the dockyards, &c.,

Mr. *W. Williams* objected that the vote was greater than last year by 40,000*l.* The sum required for repairs at Portsmouth could not be required. He particularly objected to the sum of 168,000*l.* being laid out in building three new slips there. He objected also to the erection of new barracks for the marines at Chatham, which in the present distressed state of the country, was an unnecessary and lavish waste of public money.

Mr. *S. Herbert* said, that the slips were the continuation of works that had been determined to be necessary last year, and the adoption of the method of slips for ship-building had led to a great saving to the public. With respect to Chatham, owing to so many ships being paid off, the marines wanted accommodation, and it was thought better to have them in barracks than quartered in public-houses as heretofore.

Mr. *Hume* said, there was a species of extravagance in voting 80,000*l.* for buildings to accommodate 900 men.

Mr. *Williams* thought the best way to accommodate the marines was to discharge them. He thought no reason had been given for the vote of this money for barracks.

Mr. *Bernal* regarded the barracks to be necessary and he should support the vote for building them.

Mr. *Hawes* thought 80,000*l.* an exorbitant demand for the accommodation of 1,000 men, more especially when Government itself was of opinion the sum could be reduced. He would, therefore, suggest the propriety of part.

The *Chancellor of the Exchequer* said, that 10,000*l.* was for the purchase of the ground, and the other 70,000*l.* was taken as a rough guess at the expense of the building.

Mr. *Hume* was of opinion that the present estimate ought to be withdrawn, and an amended one made. He saw in it 25,000*l.* for repairs and constructions at Gibraltar, Malta and Halifax, and 12,000*l.* for repairs at Bermuda which he understood had been already complete.

Mr. *Bernal* thought 234,868*l.* too large a sum for new works, improvements, and repairs in the yard.

Captain *Layard* said, as respected the building of marine barracks, he was aware of the advantage of having the marines well housed and lodged, but the proposed sum was a very large one, and he hoped greater attention would be paid to economy in these matters than was formerly the practice.

Mr. *Hume* on looking at the distress which prevailed through the country, could not consent to such lavish expenditure, and would, therefore, propose to reduce the vote 10,000*l.*

The Committee divided on the question that the grant be 224,868*l.*;—Ayes 22; Noes 71; Majority 49.

List of the AYES.

Aldam, W.
Archbold, R.
Blewitt, R. J.
Browne, hon. W.
Bryan, G.
Buller, C.
Busfield, W.
Childers, J. W.
Ellis, W.
Ewart, W.
Forster, M,
Hawes, B.
Johnston, A.
Langston, J. H.
Leader, J. T.
Mitcalfe, H.
Morris, D.
Rundle, J.
Scholefield, I.
Stansfield, W. R. C.
Thornley, T.
Wakley, T

TELLERS.

Hume. J.
Williams, W.

List of the NOES.

Arbuthnott, hon. H.
Arkwright, G.
Baskerville, T. B. M.
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Botfield, B.
Buller, Sir J. Y.
Chapman, A.
Cochrane, A.
Collett, W. R.
Corry, rt. hon. H.
Cripps, W.
Dickinson, F, H.
Douglas, Sir H.
Douglas, Sir C. E.
Duncombe, hon. A.
Duncombe, hon. O.
Escott, B.
Fitzroy, Capt.
Flower, Sir J.
Gaskell, J. M.
Gordon, hon Capt.
Gore, M.
Gore, W. O.
Goulburn, rt. hon. H.
Graham rt. hn. Sir J.
Halford, H.
Hamilton, W. J,
Hamilton, Lord C.
Hepbnrn, Sir T. B.
Herbert, hon. S,
Hodgson, R.
Hope, hon. C.
Houldsworth, T.
Hussey, T.
Jermyn, Earl.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Lennox, Lord A.
Lincoln, Earl of.
Mackenzie, W. F.
Manners, Lord J.
Marsham, Visct.
Masterman, J.
Maxwell, hon. J. P.
Mitchell, T. A.
Morgan, O.
Nicholl, rt. hon. J.
O'Brien, A. S.
Palmer, G.
Peel, J.
Plumtree, J. P.
Plumridge, Capt.
Pringle, A.
Rashleigh, W.
Richards, R.
Rose, rt. hon. Sir G.
Rous, hon. Capt.
Rushbrooke, Col.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord.
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Thompson, Mr. Ald.
Tollemache, J.
Trench, Sir F. W.

TELLERS.

Fremantle, Sir T.
Baring, H.

Original proposition agreed to.

On the question that 746,107*l.* be granted for the half-pay to officers of the navy and Royal Marines.

Mr. *W. Williams* asked why every promotion did not appear in the *Gazette*, as in the case of promotions in the army? That would tend, if any thing could, to check the system of promotion now going on. The officers on half-pay were receiving from 45 to 50 per cent: more than those on active service. In the present financial condition of the country that was not a state of things to be permitted.

Sir *J. Graham* agreed with the hon. Member that constant publicity was the real check to the power of promotion, and he supposed the hon. Member's object was to obtain that publicity. Now, it was given to a considerable extent in the *Gazette*. But there was a constant periodical publication of promotions at a great expense. There was published quarterly and on authority, the *Navy List*, on a reference to which the hon. Member could institute a most minute and relative comparison as to the annual amount of promotions, from 1820 to the present time. Information could not be given in a more minute or tangible form than it was in that publication.

Mr. *W. Williams* was aware of that; but the *Navy List* must be purchased like any other book.

Sir *J. Graham* observed that the *Gazette* was not distributed gratuitously. It must be purchased too, although it was the custom to publish its contents in newspapers.

Mr. *W. Williams* contended that the navy promotions, as well as those of the army, should be published in the *Gazette*, in order that they might obtain a similar publicity in newspapers.

Vote agreed to.

On the vote for 498,702*l.*, to defray the charge of military pensions and allowances, being put,

Mr. *Hume* said, though it was invidious to object to any name that appeared in this vote, yet he could not avoid adverting to one—that of the hon. Captain Waldegrave. It appeared he entered the navy in 1801, was made lieutenant in 1806 (which was before his turn), commander in 1809, and captain in 1811; so that in all he had been but nine years in the service. On what grounds could this officer be entitled?

Captain *Gordon* observed, that Captain Waldegrave, besides having commanded one of the ships at Acre, had served actively during the whole of the time he had been afloat, and than that gallant officer no man in the service bore a higher character.

Mr. *Hume* said, he observed in this vote an item of 212,000*l.* for the out-pensioners of Greenwich Hospital. Now, that institution had considerable property in Cumberland and elsewhere to support it. That property, he must say, was greatly mismanaged, or it would not be necessary to come to Parliament to supply the deficiency necessary to support the establishment. Part of the property belonging to the hospital had been sold, and to avoid mismanagement it would be well if all of it was sold, and the proceeds invested in public securities.

Sir *James Graham* thought that the hon. Member, in making these observations upon the present vote, was misled by the introduction into it of a vote of money, for the purposes of the out-pensioners of Greenwich Hospital. These were persons who, in fact, had no claim upon the hospital now, but who were in the same position as military pensioners of the same grade. Their pensions having been once, payable through Greenwich Hospital accounted for the name of that establishment being used. He would, however, answer the observations of the hon. Member. The hon. Gentleman had reflected upon the management of the property of Greenwich Hospital. He believed that the gentleman to whom that management was entrusted had been appointed by him during the Government of Lord Grey; that his name was Grey, and that he was a person commanding, on all agricultural subjects, the greatest degree of public confidence. He had had the greatest possible experience, and was peculiarly conversant with the question to which his attention was directed; and his impression was, that there was no part of the north of England in which farming land was better managed. Any information which he had received was altogether opposed to that of the hon. Gentleman; for he was told that the estates were admirably managed, with the greatest economy and skill, and that the land was as profitable as any land in the part of the country where it was situated. With regard to the proposition of the hon. Member for the sale of the whole estate, he would observe that he had some time ago brought before the House, and carried a proposition for the sale of some detached parts of the estate, and this measure had been carried out. He did not think it advisable, however, to come to Parliament with a proposition for selling the whole of the estate, because he thought that the continuance of the land in the possession of the hospital formed the best security for, and was most conducive to the steady and firm maintenance of this great naval and charitable institution.

Mr. *Hume* thought that it was hardly consistent for a Minister of the Crown to say, that even landed property was more secure than the securities which were sustained by the public credit. He still advocated the sale of these estates and the investment of the money.

Vote agreed to.

On the question that 245,429*l.* be granted to defray the charge of transports for the conveyance of troops and stores,

Mr. *C. Buller* had on a former evening shortly referred to the step which, it appeared, had been taken by the Board of Admiralty, of sending out troops in line-of-battle ships instead of in transports, and he would now beg to say a few words more on this subject. As he had been informed, the Government had taken the course of sending out troops by two line-of-battle ships (the Rodney and the Thunderer), although this mode of conveyance was far more expensive than that of employing merchant vessels, and far less convenient, inasmuch as merchant vessels were always ready for the service; whereas, as in the case of the Rodney, men of war had to be sent for, perhaps from distant places, and had, further, to be got ready for the particular service by taking out the lower deck guns, and so on. It did not appear that any objection was made by the Government to the employment of merchant vessels, on the score that they were not fit for the service, while to the principle of employing men-of-war in their stead, it seemed to him that there were several objections. In the first place, he did not see any possible advantage in it; while they were employed in this service they could not be used as men-of-war, the lower deck guns were taken out and so on, and they could not be considered as any additions to the naval force of the country. The mere circumstance that a certain additional number of officers might thus, perhaps, be actively employed, did not counterbalance the many disadvantages. As to the expense, it was enormously increased by the substitution of men-of-war for merchant transports. It was, in fact, increased to five times the amount; whereas the conveyance of a thousand troops by transports would only cost between 8,000*l.* and 10,000*l.*, the conveyance of the same number of troops by a man-of-war would amount to no less than 40,000*l.* and upwards; so that here was a loss of more than 30,000*l.* to the public. Another objection was, that, as he had been informed by a high naval authority, the sending a large body of soldiers any distance along with sailors of the royal navy, was, in a very high degree, prejudicial to the discipline of both services, and, in many respects, detrimental to both soldiers and seamen. Another objection to the use of men-of-war for this service was, that the men were crowded together in much too small a space, and the ventilation was greatly impeded, for a greater part of the men slept under the water line. This was so much the case, that there had been found a most remarkable difference between the health of troops conveyed out to a foreign station in men-of-war, as compared with that of troops who were sent out in transports.

Captain *Gordon* said, that, as to the objection of expense, it did not apply to the cases mentioned, or generally to ships-of-war in commission, where the expense, of course, had already been incurred. He had no particular objection to the transport ships themselves, he believed that the generality of them which had been taken up of late were very commodious and comfortable vessels; but it appeared to him that when ships of war were lying with their men in, the taking out their lower deck guns, and sending them to perform this sort of service, instead of lying idle and doing nothing, was rather a saving of expense than otherwise. With reference to the general question, it was well known that there was a class of ships called troop ships, the employment of which was, no doubt, much better than the employing men-of-war for this service; a great number of these vessels were now in China, and when they returned home, he believed it would be found that Government had a sufficient number of them to do all the work in this department of the public service, without employing either ships of war or transports.

Mr. *Hume* said that the gallant Officer put forward as the defence of the Government in this matter, that there were a number of ships in commission doing nothing; if so, they ought to come home and be laid up. As to the Rodney, it would seem that it was not even yet ready for the purpose to which it was to be applied. The employment of men-of-war in a case of emergency, such as that under which three such ships had been sent out with troops to China, was all very proper; but as to the Rodney, which was not yet gone, the question was, why the conveyance of a thousand troops by that ship should cost the country 43,000*l.*, when the same service could be done by transport ships for 8,000*l.* or 10,000*l.* The hon. and gallant Member for Westminster the other night spoke of transport vessels as though they were not sea-worthy. He begged to ask the hon. and gallant Member whether more men-of-war had not foundered than transport ships? As to the comparative speed of the two modes of conveyance, experience had shown, in the particular cases of three men-of-war and three transport ships conveying troops to China, that while the average time occupied in the voyage by the ships of war was 165 days, the average time occupied by the transport ships was only 133.

Captain *Gordon* explained that the reason why the Rodney had not sailed was, that the cavalry regiment which it was to convey was not ready.

Lord *Arthur Lennox* had on two occasions sailed in the command of troops on board men-of-war, and he could state most distinctly that the discipline of the soldiers had not, in either instance, suffered in the slightest degree from their being, and for a considerable time, in company with the seamen. As to transport vessels, they were regarded by the troops with perfect horror, and, as far as his experience went, he must say with considerable justice. He remembered, for instance, that on one voyage he went with troops, on board the India Trader transport, the men were engaged on fatigue parties, hard at work at the pumps, the whole way to Quebec.

Captain *Layard* believed there was no soldier but would prefer the chance of being shot at in preference to going a voyage in a transport ship. The troops apprehended far more danger from transports than from the enemy.

Captain *Rous* thought the hon. Member for Montrose had been an advocate for economy; but if on another occasion 187,000*l.* were voted for the hire of transports for the conveyance of her Majesty's troops, he should feel it his duty to divide the House upon it. While so many ships were in commission, the Government had no right whatever to lay out 6*d.* in the conveyance of troops. It was much better that line-of-battle ships should carry out troops than lay idle, with grass growing to their bottoms, with the seamen getting deteriorated, and the officers to be not worth their salt. With regard to the discipline of seamen being injured by contact with troops, he never knew an instance of it. The troops, when sent out in transport-ships, were packed more like so many Irish pigs than anything else; and officers in the service, being Members of that House, had often got up in their places and protested against the system.

Sir *H. Douglas* had experienced the comforts and discomforts to be enjoyed on board transports and men-of-war, and he knew that the troops preferred the latter to the former. After being kept at sea several days, between the Land's-end and Newfoundland, he was shipwrecked with troops under his command, and one-third of the detachment, the women and children, and one-third of the crew, were lost. A good feeling had existed between the two services, but the manner in which the soldiers were treated on board transport-ships was calculated to destroy it.

Mr. *Hume* contended that men-of-war were not so convenient and wholesome for the troops as the transports, because many of them, and frequently all, were put under water, that was to say under the water line. If there were abuses in the transport service that was the fault of the Government, and not of the system, which was a good one if properly carried out. It was impossible that 1,000 persons could be healthy when kept in the close hold of a line-of-battle-ship while crossing the line. He protested against the increased expense of 40,000*l.*, occasioned by sending out the two men-of-war.

Captain *Rous* said the additional expense of 40,000*l.* existed only in the hon. Gentleman's imagination. The two line-of-battle ships would be kept in commission whether they went to the Cape of Good Hope or not. It was better that they should go out than that this money should be lavishly wasted in employing transports, as the hon. Member for Montrose wished. When they got into the tropical climates they would have frequent opportunities of airing the ship, by opening the lower stern and deck ports and the scuttles, if they pleased. All the evils of being on board the line-of-battle ships existed nowhere but in the hon. Member's own most brilliant imagination.

Mr. *Hume* understood that there was no employment for those two ships; if so, they ought to be disposed of, instead of having more money spent upon them to make them serve as transports.

Captain *Rous* repeated, for the information of the hon. Member, that the ships must be kept in commission, therefore he was mistaken upon the subject of expense. But was there a single Gentleman in the House who ever understood a subject as the hon. Member did?

Mr. *C. Buller* said, that the hon. and gallant Gentleman had a very convincing way of expressing himself. He understood that his defence of the Government was, that there was no additional expense to the country, and that because these ships were doing nothing, they were to be employed as proposed. It seemed to him that the common sense view of the case was this—if there were ships of war of no use, if they were doing nothing they should be laid up. But the opinion of the hon. and gallant Gentleman were wider than the imaginations of his hon. Friend the Member for Montrose, for he saw that a thrill of terror ran through the Treasury bench when the hon. and gallant Gentleman hinted that the ships of the line ought to be employed hereafter only in transporting troops. ["No, no."] He thought hon. Gentlemen had been rather hard upon the transport service, in the sweeping charges they had brought against it, and certainly they might produce very serious effects. No one could doubt that it was a system liable to abuse, and that the Government should guard against abuse; but he would tell hon. Gentlemen that the charges told not against the mercantile marine, but against the official heads of the public departments, who ought to exercise a proper vigilance in the matter.

Captain *Gordon* had said nothing aganist the merchant ships; on the contrary, he was quite ready to give his testimony as to their efficiency, as far as he had observed. As to the ships of war, it was clear that in time of peace, a period which he trusted would be of long continuance, there was nothing for the navy to do, but to keep in readiness in case its services were needed.

Vote agreed to.

On the question that 100,335*l.* be granted for the expense of convict ships,

Mr. *Hume* wished to call the attention of the Government to the accidents which had happened to several convict ships. He was not satisfied that great blame did not attach to the surveyors or examiners of those ships.

Captain *Gordon* was not prepared to say what particular precaution could be taken to prevent a ship driving from her anchor in a tempest, nor was he aware that any convict ship had foundered at sea for many years past. As to ships going to pieces, when they struck upon a rock or upon a shoal, it was impossible to prevent this, build them ever so strongly. He must say, however, that the convict-ship which ran ashore at the Cape was found to have been in a very bad condition.

Mr. *A. Chapman* was understood to suggest that a regular establishment of ships, attached to the service, to be employed in rotation, should be kept ready for the transport of troops and convicts. The plan would give employment to junior post-captains, who were always anxious to be afloat.

Captain *Rous* observed, that although the ships of the line would be proud to convey her Majesty's troops, there would naturally be some little delicacy felt in the navy with regard to a certain class of persons called convicts.

Vote agreed to.

The next vote was for 429,202*l.* to defray the charges under the Post-office department of the contract packet service.

Dr. *Bowring* said, that there were many items in these charges which appeared to him to be objectionable. There was the sum of 240,000*l.* for the West India mails, which he took to be a contract between the Government and the Royal West India Packet Company. Many complaints had been made of the irregularity of the mails. Fifty-four days nineteen hours out and home was the time allowed, including the collection of passengers and correspondence, for the voyage. It appeared from a report which he held in his hand, that the packet which sailed on the 1st of October took sixty-five days, which made her overdue ten days. The packet which sailed on the 15th of October took sixty-eight days, which made a loss of thirteen days; the packet which started on the 1st of November took sixty-two days, being a loss of seven days; the packet sailing on the 15th of November was out seventy days, showing a loss of 15 days; the packet which sailed on the 1st of Dêcember took sixty-nine days, losing fourteen days; and the packet which sailed on the 15th of December, took seventy-one days, being overdue as many as sixteen days. These delays were of serious consequence to the public, and frequently occasioned great loss to the commercial community. He believed that some new arrangements had been lately entered into on the part of the Government; and he was anxious to inquire whether they were such as to insure greater regularity in future? The contract he believed, had been ruinous to the company, which, however, in itself, was not well managed. The contract had been too hastily agreed to. The present state of things was by no means satisfactory, and he hoped that this service would be made fully efficient.

Mr. *S. Herbert* was fully aware that a great many complaints had been made about the West India mails; but it must be taken into consideration that the scheme was most gigantic and complicated, and that there was no possibility except by experience of judging how the routes would answer. The company certainly had met with very serious losses, and that because the scheme of routes was so very extensive; unless some reduction was made in the amount of work to be performed, it would be impossible for the company to go on with the first contract A larger payment was therefore contemplated, and a different line of routes had heen proposed, and at the expiration of the present contract, at the end of this month, a new scheme would be adopted, by which he hoped that the company would be put on a better footing, and the communications be made more regularly.

Dr. *Bowring* said, there was another point in connexion with these Post-office communications that was not undeserving attention. Our communications with the Levant were less perfect than those of our neighbours. France sent three steamers to the Levant monthly, whilst we had only one. It was desirable, too, that we should extend our steam communication with the northern parts of Syria. With Beyrout there was already a communication, but our intercourse with Scanderoon and the northern parts of Syria was exceedingly irregular. We ought, too, he thought, to extend our communication with the Black Sea. It was highly important that such a country as this should have the means of communicating through Constantinople with the Euxine. He believed that a proposition had been submitted to her Majesty's Government on some of these points; and he should be glad to know whether it was intended to take any steps with a view to acting on such proposals?

The *Chancellor of the Exchequer* said, it was perfectly true that a proposition had been submitted to the Government, having for its object to establish a communication from Malta, Constantinople, and with Syria. That proposition was under consideration, and, in a short time, he had no doubt, but that he should be enabled to inform the hon. Member what was the decision at which they had arrived.

Dr. *Bowring* had understood that the Swedish Government had made an offer to facilitate the communication between this country and Sweden, and further that they had proposed to take on themselves a considerable proportion of the expense of such communication. He should be glad to know whether the Government had any intention of increasing the facilities of intercourse with that country?

The *Chancellor of the Exchequer* replied, that the question put by the hon. Member was not one which he could at that moment satisfactorily answer.

Mr. *Williams* made an observation which was nearly inaudible as to the great increase in the vote for Post-office purposes.

The *Chancellor of the Exchequer* said, that undoubtedly the introduction of steam had caused a great addition to the expenses of communication, but that the public gained in time what they lost in money.

Mr. *Hume* thought that the increased facilities of our communication with India would alone almost warrant the additional expenditure. We could now communicate with Bomby in less than thirty days; and certainly in the present, and what was likely to be the future state of India, it was highly important that that communication should be maintained.

Vote agreed to.

ORDNANCE ESTIMATES.] Captain *Boldero* said, that in rising to bring these estimates under consideration he should not detain the House for any length of time. The estimates for the present year had been framed with a strict regard to economy, and he was happy to state that they presented a great diminution upon those of last year. That diminution indeed, amounted to not less than 258,129*l.*, and he believed he might say that had it not been for the calamitous fire which occurred at the Tower, and which had entailed a heavy extra expenditure, there would have appeared on the face of the returns a diminution of not less than 100,000*l.* in addition to the amount he had stated. Before, however, he went into particulars he desired to call the attention of the House to a matter on which some comments had been made by two hon. Members within its walls. He referred to the statements which had been made as to the condition of the old flint muskets. Several singular statements had been made on this subject. An hon. Member had said that on board a certain vessel scarcely one musket would go off except at half-cock. As soon as he (Captain Boldero) heard that assertion he decided on sending an ordnance inspector to examine the muskets of the ship in question. That inspector had gone down to Portsmouth and had made a report. He stated that the chest of muskets was brought on shore at twelve o'clock on the day of the arrival of the ship in question—that it was opened in his presence—that he found it to contain eighty-seven muskets with regular flint locks, thirty-five of the Indian pattern and had ten of the altered Indian pattern, being 132 in all; that of those 132, five muskets had had their cocks broken by violence, no doubt by accident, and that the rest were perfectly sound, only that about twenty had seen more service than the rest. The inspector put aside the five which were broken, and collected the 127 to be cleaned and freed from dirt, putting in new flints where they were wanted. No repairs were made to any of them, and by half past one o'clock the same day they were put into the hands of a party of the Royal Artillery, who fired three rounds from them in the presence of the inspector and their officers. The result was, that of the three rounds fired, two muskets missed in the first round, three in the second round, five in the third round, and six in the fourth round, being sixteen casualties out of 381 rounds from these flint muskets fired, as he said before, in a dirty and neglected state. These muskets were then tried at half-cock, and none of them were found to go off; so that the assertion of the hon. Member to that effect was evidently not borne out, and the circumstance he detailed, if it even occurred at all, must have arisen from the muskets not being kept clean on board the ship, and not, as had been insinuated, from the inefficiency of the fire-arms themselves. With regard to what had fallen from the hon. Member for Carlow on the same subject, he would tell that hon. Member what was the condition of the musketry of his own regiment. He believed the hon. Member belonged to the 32nd foot. [Captain *Layard:* I have that honour.] He would give that hon. Member an account of the state of the fire-arms in that regiment. The last official report stated that the arms of the 32nd were in a serviceable condition—quite clean, and in a fit state to be used. Now with regard to the new muskets. The percussion principle was first introduced into the British army under the auspices of the late lamented Master-general. Lord Vivian, however, took four years to consider and test the merits of these muskets before he ventured to sanction their introduction. He knew, no doubt, the dangers of too suddenly changing the arms of the British soldier, and he took time to consider the advantage which would be gained from the introduction of the percussion lock, as well as the comparative merits of the other designs which were submitted to him. The result was, that he at last decided that no better system could be invented, and in 1839 he accordingly brought the percussion into use. He might here mention, as worthy of observation, that since the last peace, a period of now nearly thirty years, not a single musket had been purchased by the Government. The establishment at Enfield had been abolished, but it was re-established by that distinguished officer, the late Master-general, and in combination with the Tower of London and the Government establishment at Birmingham, enabled the ordnance to construct 1,000 muskets a-week. It was said by some that these muskets were not made with care, and that new inventions and improvements were not subjected to a fair test. Now, it was a fact, that no less than eighty-four specimens of improvements and inventions had been within the last five years submitted to the Government. In every case these specimens had been sent down to Woolwich, and subjected to a test by competent judges at the Arsenal, who had hitherto found that nothing superior to the percussion had been designed. But, as he was saying, 1,000 of these muskets could be manufactured with ease in a-week. He believed, that if it were necessary, they could extend the power of manufacturing to 2,000 a-week, and that if an imperative necessity should arise—which God forbid, they might make as many per diem as they now made per week. The muskets, in that case, would not of course be so highly finished as they now were, but, although deteriorated in value, they would be equally secure. But now he had to state how far the percussion muskets had been introduced into use in our army. At present fifty-one regiments were possessed of them; the coast-guard and the constabularly force used them to the exclusion of all others, and they were also used by all the cavalry and rifle regiments, with the exception of the Canadian regiment just raised, which would however be supplied with them in the course of three months. He would just run over the different votes, and point out the different alterations which had been made in them since last year. The first vote was for the civil service of the Ordnance, including the Tower, the office at Pall-mall, the departments at Woolwich, the out stations of the United Kingdom, and the foreign stations. In this vote there was a small increase of 3,034*l.*, arising from an increase in the pay of the junior branches of the service. The next vote was for the Royal Engineers, Sappers and Miners, and in this, too, there was a small increase of 1,572*l.*, arising from more officers being employed. In the third vote, for the Royal Artillery, the charge this year was 6,688*l.* less than last year, which was the consequence chiefly of 300 men being employed less this year than the last. He had to inform the House that a body of African gunners had been added to the artillery in Jamaica, which had been found remarkably serviceable. He thought it right to state to the House, on the authority of Colonel Rudyard, from whom the hon. Member quoted a report, dated November 14, 1842, that the body had answered extremely well. It was very creditable to Colonel Rudyard. He had also the satisfaction of stating that the mortality amongst our troops at Jamaica had considerably diminished, it having been by the last returns not more than 2 per cent., and there were very few persons in the hospital. The fourth vote, "The Salaries to Barrack-masters in the United Kingdom and on Foreign Stations," was about the same as last year, and required no remarks. The fifth vote concerned the important works which had been begun by the late Government, and were considered necessary by the present Government for the permanent accommodation of our troops in different places in the manufacturing districts. The temporary barracks had been found both inconvenient and extravagant; and the late Government had resolved on erecting permanent barracks, which the present Government approved of. In 1839 there had been voted for this purpose 10,000*l.*; in 1840, 12,000*l.*; last year 30,000*l.*, and this year 45,000*l.* He had himself inspected the state of our barracks last year, and he had found them in some places extremely bad. At Bolton he found the temporary barracks quite disgraceful. In a room seventy-two feet long by thirty-six broad, and twelve high, he had found forty-eight soldiers crowded, and the smoke was so thick that he could not see them. The barracks were so bad, that he had recommended that the troops should be withdrawn, if better accommodation for them could not be obtained; and when the inhabitants were threatened with the withdrawal of the troops, they provided a better temporary barracks for them. He believed it was necessary for the safety of the troops to build a barrack for them, for on one occasion a plot had been laid to seize the arms of the soldiers, which might have caused great mischief. To have a secure place for the soldiers, therefore, apart from the people, would prevent bloodshed. At the same time, there would be a considerable saving of money, for at present a large sum annually was expended in providing very imperfect accommodation. The sixth vote showed a small decrease of 13,937*l.* The seventh vote, relative to stores, showed a great diminution, no less than 81,804*l.* The eighth vote he passed by, under the head of unprovided. Under the ninth vote, that for superannuations, there was a decrease of 1,983*l.*, as compared to last year, in consequence of the falling in of some superannuated allowances. In the tenth vote, for the commissariat supplies of the United Kingdom, there was a diminution of 24,721*l.* He had now gone through all the votes briefly, without departing from the subject immediately before the committee, and he would conclude by moving, that the sum of 124,861*l.* be voted to her Majesty for the salaries of the officers of Ordnance civil establishments at the Tower, Pall-mall, Woolwich, the out stations in the United Kingdom, and at foreign stations.

Mr. *Hume* was not disposed to find fault with the reductions announced by the hon. Member, but he thought they ought to have been greater. We were now returning from a state of war—for we had been at war—to a state of peace, and he, therefore, saw no reason for keeping up such large establishments. He saw by the votes that they still kept up the establishments at Pall-mall and the Tower, and they would save a great deal if they would place all the stores in the Tower, and have only one office. He objected also to the ordnance being a department of itself, and thought that it should be regulated here as in all other countries. In Russia, in France, in Belgium, the military branch of the ordnance was placed under the commander-in-chief, and formed part of the army. So it ought to be here. Our ordnance establishment should be divided: the military branch of it should be placed under the commander-in-chief, the civil branch should be a mere store department; and, if that plan were adopted, he was sure they might save one-third of the present expense. He was of opinion also, that in general the Government should contract for stores, instead of buying them. He did not object to the establishment at Enfield, because the Government, it was said, could not get good muskets, unless it made them—could not get them elsewhere; but there were no other stores, he believed, but what might be purchased cheaper than they could be made. He objected also to the immense sums expended in our colonies, which ought to provide for their own defence. Within a few years full 15,000,000*l.* had been expended under this head, and it was time that this source of expenditure should be got rid of. He did not wish to give the committee the trouble of dividing, but thought it right to state his opinion.

Mr. *Williams* thought that most of the reductions mentioned by the hon. Member were temporary, and there was nothing to assure him that the votes might not be increased quite as much next year as they were reduced this year. One great reduction was in stores, but next year they might be called on to make up a deficiency of stores. Since 1826 not less than 2,000,000*l.* had been expended in barracks, and this was, he thought, a most monstrous outlay. Gentlemen talked of the necessity of making the soldiers comfortable, but they ought to think also of the people. The hon. Member who had visited the barracks at Bolton should have examined the condition of the people, and he would have found that the people who had to pay the taxes, and whose industry, in fact, paid them, were destitute of all the comforts of life. They had neither good dwellings, sufficient clothing, nor enough food. The soldiers, in fact, were a great deal more comfortable than the working classes. At Liverpool alone he believed that not less than 5,000 families dwelt in cold damp cellars, such as no soldiers were suffered to inhabit. He thought the expense of barrack-masters actually uncalled for, and he should divide the committee on that question. The hon. Member's reduction, too, was overstated, or the whole amount in fact only came to 3,900*l.*

Dr. *Bowring* wished that the cost of making arms at the Government establishments might be detailed, that the House might know how the large sum voted for this purpose was expended. Two millions were expended on these matters, and the House ought to know how it was applied. The country was broken down by the enormous expenditure of the Government, when there was no trade; and he thought at the present time they should think more of the people and less of our establishments.

Lord *A. Lennox* called the attention of the hon. Gentleman to the circumstance that officers in barracks were allowed fuel, while those who lived out of barracks were not allowed fuel. This fell very heavy on married officers, and he hoped it would be taken into consideration. He was glad to hear that attention had been paid to provide the army with percussion muskets, and he hoped that the fifty-one regiments which were not yet provided with them would soon receive them.

Mr. *Ainsworth* saw that 1,500*l.* had been laid out for temporary barracks at Bolton. The inhabitants had offered to provide accommodation for the troops, but the Master-general of the Ordnance had stated that the vicinity of Manchester, and the facility of transporting troops by railroad, rendered it unnecessary. He had, however, made a further communication on the subject, and barracks were provided for troops at Bolton.

Dr. *Bowring* denied that the inhabitants of Bolton wished for troops. He could take it on himself to make that statement, and leave the House to judge betwixt him and his hon. Colleague.

Sir *James Graham*, without wishing to interpose between the rival Members for Bolton, could assure the House that he was on the point of recommending the withdrawal of the troops from Bolton, when he received a letter signed by men of property of all parties—he did not say by the populace—requesting that the troops might be allowed to remain, and offering to provide them with accommodation. On that representation the troops were allowed to remain, and instead of temporary accommodation, a permanent barrack was to be provided for them.

Mr. *Williams* observed that in Cork and fifteen other places the offices of storekeeper and barrack-master were filled by the same persons. He wished to know why this was not done in all cases; in Guernsey, for instance, where there were at present a storekeeper and a clerk, as well as a barrack-master, with five barrack sergeants.

Captain *Boldero* said there were very important stores at Guernsey, which required a storekeeper, who should be a respectable man. In all cases where it was possible to combine the two offices it was the desire of the master-general to do so.

Vote agreed to.

On the question that a vote of 405,119*l.* be granted for Ordnance works and repairs,

Mr. *Williams* complained of the expense of 10,000*l.* for the repairs of the Rideau Canal, in Canada—a work of little utility.

Captain *Boldero* said the receipts from tolls were at present 13,000*l.*, leaving a balance of 3,000*l.* after payment of expenses and repairs.

Dr. *Bowring* inquired whether the expense of the establishments for the Ionian Islands was balanced by contributions from thence.

Sir *H. Hardinge* said there was in the army estimates a credit to the islands for 24,000*l.*

Sir *H. Douglas* said the contributions from the islands had fallen much in arrear from a series of unfavourable seasons. With respect to the Rideau Canal, of which the hon. Member for Coventry doubted the utility, the hon. Member should recollect that it was intended to secure a military connection with Upper Canada, and that for that purpose it was absolutely essential.

Captain *Boldero* stated that they had made the commencement of the formation of a geological collection in Whitehall-yard; and next year he hoped that they would be able to continue the geological survey in Ireland.

194,850*l.* for the ordnance survey, and military and civil contingencies.

Captain *Boldero* stated that the survey of forty-six English counties had been completed, and the triangulation in Scotland.

Mr. *Hume* objected to the organic remains being left in Whitehall-court; they ought to be removed to the British Museum.

Sir *R. Peel* wished to know if the hon Gentleman desired them to postpone the formation of the collection until they got a large grant of public money for a building. When the collection was formed, it might be a question whether they should not be removed to the British Museum.

Mr. *Hume* wished to have a proper building. He had much rather give twenty or fifty thousand pounds to finish the Museum, than in having the money frittered away in alterations and salaries, that might be saved, and ultimately for no use. What he objected to was extravagance, and never to money being devoted to a useful purpose.

Sir *R. Peel* remarked that here there was no money frittered away. 200*l.* was applied for the alteration in the rooms, but these rooms were applied to public purposes and would be used hereafter.

Agreed to.

On the question that 269,000*l.* be granted for the ordnance and military stores, and military services.

Captain *Layard* said, that the hon. and gallant officer the Member for Scarborough had stated in the House the other night, upon the navy estimates, that in consequence of what had fallen from him (Captain Layard) on the subject of the army estimates, the hon. and gallant Member for Chippenham had had a return made out of the new arms which had been served out to the navy, army, and marines, which amounted to 36,000. The hon. and gallant Member for Scarborough, in that courteous manner which distinguished him in everything he did, said that he (Captain Layard) had made too unfavourable a report on the state of the arms. Now, he thought that the very arguments brought forward by the hon. Member, that the 36,000 stand of arms having been given out, and that the remaining arms in the service were to be replaced, proved that the statement made by him was anything but incorrect. But he wished to ask the hon. Member whether the whole of the 36,000 stand of arms were new arms, or old arms altered and repaired? He had been informed that the latter was the case, but trusted that in that he had been mistaken. If such was the case, if the old arms were repaired, he could only say to the hon. and gallant Member, as his master did to him when he took up bad verses at school—"Sir, they are too bad to be altered, go and make new ones;" and that if the old ones were repaired, they could only be formidable to those who had the misfortune to use them. There was another point to which he wished to call the attention of the House, and particularly of the hon. Gentleman at the head of the Ordnance, that the new stocks, if not made of sufficiently seasoned wood, got so soon out of repair, that very often new arms were nearly as inefficient as old ones, and that as arms generally suffered more from recruits drilling with them than by any other means, he thought it would be a good plan to leave some old arms in every station for that purpose. Then, with respect to bayonets, they were to use an odd expression, so ill-tempered, that the least thing bent them in every direction, and he trusted that attention would be paid to that point. It had been stated to him that some of our regiments had received their arms from the East India Company, and that in the case of that gallant regiment, the 98th, under the command of that distinguished officer Colonel Campbell, these arms had been offered them, which were so very inferior that the officer commanding had refused to take them, and upon such refusal he had been supplied with arms from the Ordnance. Now he (Captain Layard) thought that it was the duty of the Government to see that the East India Company did supply the men with proper and efficient arms. In a book which had been quoted in that House by the right hon. Baronet at the head of her Majesty's Government (Lieut. Eyres's), it was stated that the men in Affghanistan had thrown away their fire, had been exceedingly bad marksmen, and, in short, as far as firing was concerned, nothing could be worse. He believed that this would always be the case if so small a quantity of ammunition was allowed for practice. In a very able and excellent speech made by the hon. Member for Westminster the other night on the navy estimates, he had ably advocated the advantage of temperance in the navy. He fully agreed with the hon. Member in that opinion, and wished that in the army also every inducement should be held out to the men to become sober; and he believed that that would be greatly carried into effect by doing away with the canteens which were now in the barrack squares. The loss might be small to the Government, but the beneficial effects would be great to the men. The hon. and gallant Member for Huntingdon had stated to the House, upon the army estimates, that the sum of 130,000*l.* was spent for the supply of arms; he stated that the new arms were being given to the service, not only for the satisfaction of the House, but to relieve his mind from any unnecessary alarm. As this was an occasion upon which arms were under discussion, he begged leave to say, that the argument brought forward by that hon. Member put him in mind of a weapon made use of by the aborigines of New South Wales; and, as every Member might not be aware what a boomarang was, he would try to describe it to them. It was a piece of carved wood, which, being thrown in a sort of underhand manner at your enemy, if it should not hit him, returns, and sometimes inflicts a wound upon the thrower. Now, the hon. Member's argument that he suffered from unnecessary alarm, appeared to him (Captain Layard), to be very much like an ill-directed boomarung. It had been proved that the arms were in a very inefficient state, by the number of new ones already issued, and by the number that were to be issued, that if any unnecessary alarm did exist, the hon. Member for Huntingdon was labouring under it, in supposing that he meant any attack upon the Ordnance. Now he thought that the hon. Member for Huntingdon ought to be grateful to him for what he was doing, in showing the necessity for new arms: that even the hon. Member for Montrose, who is by no means anxious, and very justly, to spend the public money, said that it was a penny-wise-and-pound foolish economy not to have the very best arms that could be put into the hands of the British soldier. Having had already two shots fired at him from the Ordnance, he (Captain Layard) had every reason to believe that he should have a third; but feeling conscious that he had done his duty to the best of his ability, he sat down without any feelings of alarm, thinking that in this case, as in all others, by speaking the truth, any alarm would be perfectly unnecessary.

Captain *Boldero* said, that a contract had been entered into for the supply of arms, but on its completion, the arms were found to be very defective. They were, therefore, returned, and the Ordnance obtained arms of a better quality. With respect to percussion locks, he might state that the 98th regiment on going to India, and the 2nd battalion of guards, serving in Canada, had been supplied with muskets having such locks, in order that the effect of extreme heat and extreme cold upon that quality of arms might be tested and in each instance the arms had been found most efficient. Colonel Lascelles, the officer commanding the 2nd battalion in Canada, had written to the adjutant-general expressing his testimony of the great superiority of percussion caps over flints; and similar testimony had been received from Colonel Campbell of the 98th regiment. The latter officer stated, that on their passage out they placed 25 of the caps in an open port-hole for one week, where there was a strong draught, but the sea air had not had the least injurious effect upon those caps for not one missed fire.

In answer to Mr. Hume,

Captain *Boldero* said, arrangements had been, to a great extent, attempted, for the purpose of appropriating a piece of ground for ball practice; but it had been found necessary to postpone it till next Session, owing to the numerous obstacles encountered.

Vote agreed to.

On the question that 194,792*l*, be granted for the commissariat,

Mr. *F. Baring* said he wished for explanation as to the circumstance he had heard reported, of a contractor having been permitted to take a share in the Ordnance supplies, after having been under the late Government exposed for connivance in dishonest practices?

Captain *Boldero* denied that there was any truth in the report—alleging the facts to be, that on the trial of two barrack-sergeants for giving false receipts as to supplies, one of them declared, that contractors were in the habit of paying them for so doing; and accused the contractor in question particularly. The court, however, were of opinion, that they were not warranted in pursuing the inquiry thus started on such discreditable authority as that of a convicted felon, and when the charge was renewed against the contractor in question, the Ordnance gave him, of course, an opportunity for exculpation, suspending, meanwhile, their assent to his offer, though it was the lowest tendered. The gentleman alluded to had declared his readiness to take the only means open to him of disproving the charge; offering to pledge his oath, that he had never seen or communicated with the man who had accused him, and appealing to his character and long standing in business, as to the probability of his having so disgracefully committed himself.

Mr. *F. Baring* declared himself satisfied with the explanation given, so far as the Board of Ordnance was concerned. He believed, however, that a different opinion was entertained as to the complicity of the party alluded to by the late Master-general of the Ordnance and the law officer of the department.

Mr. *Wallace* protested most energetically against the secresy which had been thrown around the name of this contractor.

Vote agreed to.

The *Chairman* reported progress and obtained leave to sit again.

CHINA.—SIR GORDON BREMER.] The *Speaker* acquainted the House, that he had received from Commodore Sir Gordon Bremer, the following letter, in return to the thanks of this House communicated to him by Mr. Speaker, in obedience to their commands of the 14th day of February last: —

> " *The Priory Compton, Plymouth,*
> *March* 3, 1843.
>
> "SIR,—I have the honour to acknowledge the receipt of your letter of the 28th February conveying to me the Resolutions of the House of Commons of the 14th respecting the late naval and military operations on the coast of China.
>
> "I have to request you will be pleased to state to the House of Commons, that it is with sentiments of the deepest gratitude and respect that I receive this highly valued and honourable testimony of the approbation of the House.
>
> "With pride and gratification I shall obey the commands of the House of Commons, by transmitting the Resolutions, together with your letter, to the officers who served under me.
>
> "Permit me, Sir, to say, that the terms you have been pleased to employ in conveying to me this high honour, demand my most sincere and grateful acknowledgments, and, with sentiments of the highest respect,
>
> "I have the honour to subscribe myself,
> Sir,
> Your most obedient and humble servant,
> J. GORDON BREMER,
> "*Late Commodore and Commander in Chief of H. M. Ships in China.*
>
> "To the Right Honourable
> Charles Shaw Lefevre,
> &c. &c. &c."

On the motion of Sir R. Peel, it was ordered that the letter be entered on the Journals of the House.

House adjourned at half past twelve o'clock.

HOUSE OF LORDS,

Tuesday, *March* 7, 1843.

MINUTES.] BILLS. *Public.*—1ª· Justices of Peace (Scotland).

Private.—2ª· Caswell's Disability.

PETITIONS PRESENTED. By Lord Brougham, from St. Martin's-in-the-fields, for subjecting Landed Property to the Probate and all other Duties incident to other Property.—By the same, from Weem, Dumbarton, and Lorn, for Increasing the Salary of Parochial Schoolmasters in Scotland.—By the same, from Females working in Plean Colliery, and from a number of other Collieries, for the Repeal of the Mines and Collieries Act; also from John Lowe, Hatter, against some of the Fees demanded by the Common Council of the City of London.—By the Marquess of Clanricarde, from St. James's (Westminster), against the Income-tax.—By the Bishop of Bangor, from Carlisle, Bath, Windsor, and Eaton, against the Union of the Sees of St. Asaph and Bangor.—From Tralee, against the Irish Poor-law.—From Linlithgow, for a Settlement of the Scotch Church Question.—From the Belfast Anti-Slavery Society, against Emigration from Africa to our West Indian Colonies; and against the American Treaty.—From Fishermen of Dunoon, for Redress.—From the Glasgow Mechanics Institution, for Exempting Literary and Scientific Institutions from the Payment of Taxes.

EMIGRATION FROM AFRICA.] Lord *Brougham* presented a petition from the Belfast Anti-slavery Society against any emigration of negroes from Africa for purposes of labour; an opinion in which he did not concur, thinking that, under proper restrictions, such an emigration might be beneficial.

Petition laid on the Table.

CORPORATION OF LONDON.] Lord *Brougham* also presented a petition from an individual, complaining that the Common Council of London imposed a fee on the presentation of petitions to their court,—thus interposing the necessity of a "silver key" (or rather a "golden" one), instead of throwing open their doors, as did both Houses of Parliament, to petitioners. He would take that opportunity of saying, that he had on a former evening understated some of the items of the city income; as, for instance, the receipts derived from the fees on petitions appeared to amount to nearly 75,000*l.* per annum. He had stated the parochial tithes at 20,000*l.* whereas they amounted to 50,000*l.* Again, the duty on coals brought in 85,420*l.*; yet such was the expenditure of the corporation that this duty was mortgaged for no less an amount than 1,048,000*l.* So that he had not at all, certainly overrated the importance of the subject to which he had recently called the attention of their Lordships. He would beg in conclusion to call the attention of his noble and learned Friend on the Woolsack to the statements thus presented.

Lord *Campbell* was glad the noble and learned Lord had heard the appeal to himself, because he also had to make an allusion to him upon the subject. It was perfectly astounding to hear the noble and learned Lord appealed to in confirmation of the imputations made against the corporation of London by his noble and learned Friend (Lord Brougham), considering that not very long ago the noble and learned Lord on the Woolsack had, at a dinner given by that corporation, spoken in terms of eloquent eulogy respecting it, declaring his gratification at finding, that while other corporations had suffered rude and harsh disturbance by the hands of the Reformers, the ancient, the venerable corporation of London, had been, and he hoped it would be still, preserved in all its integrity. The noble and learned Lord had used language of this flattering character—[Lord *Lyndhurst:* Not in that tone though]—respecting a corporation now subjected to the most grievous abuse, as the very opprobrium and reproach of all municipalities. He did not know how far his noble and learned Friend's speech on a former evening had altered the opinion of the noble Lord on the Woolsack.

The *Lord Chancellor:* Had my noble and learned Friend been present on the occasion alluded to, I would have appealed to his recollection whether I ever uttered such expressions. All I can say now is, that it was an after-dinner speech, and I have really no recollection of having uttered them.

Lord *Brougham*: I was present on that occasion, my Lords, and certainly have no remembrance of such language on the part of my noble and learned Friend. It appears not very strange, considering the civic festivities which my noble and learned Friends were then encountering, that their accounts of the matter should differ so much. As to my noble and learned Friend's compotator (Lord Campbell), now, at all events *impransus.* I can assure him that if he be now surprised at any agreement between my noble and learned Friend on the Woolsack and myself respecting the corporation of London, he may be yet more surprised before he has acquired much longer experience in the world.

Lord *Campbell* was not present on the occasion, but he understood that the oration was one of the best efforts of the noble and learned Lord, praising in the highest terms that which his noble and learned Friend behind him had so vehemently condemned.

Duties on Spirits—Ireland.] Lord *Monteagle* said he had moved for certain papers relative to the spirit duties in Ireland, which were now laid upon the Table, and he wished to call their Lordships' attention to the fact that, although it had been suggested by a noble Lord on the cross Benches on the occasion when he (Lord Monteagle) moved for these returns, that it was probable that the decrease in the revenue was attributable, not to the effect of the duty, but to the progress of the temperance movement, the papers in question, now they were produced, showed a very different result. The alarming fact brought out by the returns, as showing the connection between the crime of illicit distillation and the consumption of spirits, was that, whereas the number of persons imprisoned on charges of offences against the distillery laws was 53 in the month of January, 1842, it had increased in the same month in the present year to 225. The number of detections of such offences in the first named year was 193, while in 1843 it had increased to 1,040. The number of convictions had increased in the same period from 67 to 234. Now, he would ask any noble Lord, whether these returns did not prove most conclusively, in connexion with the fact that the great increase in crime dated from the increase of duty, and taken also in connexion with the diminished amount of spirits upon which duty had been paid, that illicit distillation had most wofully increased? His noble Friend behind him (the Marquess of Lansdowne) had most truly said, that there was no greater enemy to the spread of the beneficial doctrines of Father Mathew than the practice of illicit distillation. He was in a position to prove that the persons who had been committed to prison were persons who, under the former state of the law, were members of temperance societies and wore medals, thereby proving them at one time worthy followers of Father Mathew. In pressing the question so often upon the House, he totally excluded all party motives. He did so because he conscientiously believed that all the vices, all the crimes, all the illegal combinations which were the bane of Ireland were maintained, supported, and encouraged by the pernicious practice of illicit distillation. He urged, and would continue to urge, the question upon the attention of the Government, for he viewed it as of the very utmost importance, and he looked at it with much apprehension. Before what was usually termed the budget was introduced to the notice of Parliament, he trusted that some Member of the Government would relieve the alarm which prevailed in Ireland, by stating that it was their intention to reconsider the subject. Should it not be so, he would certainly bring the whole question under the serious consideration of their Lordships. The purpose of the Government had been good, but, so far from filling the Treasury, the result of the measure had only been to fill the gaols. He moved that the papers be printed.

The Earl of *Wicklow* returned his thanks to his noble Friend for keeping the subject so continually before the House, and he hoped he would persevere until he had elicited a declaration from the Government upon the subject. The Government most undoubtedly had not anticipated the evils which had resulted from the measure; he had felt great apprehension of its working at the time it was proposed, and he must admit that those apprehensions had been more than verified; for, while it had produced the most enormous evils, it had been attended with no advantage whatever. He confessed that he had witnessed the introduction of the bill for raising the spirit duty in Ireland with very great surprise; but that surprise was much increased when he saw it accompanied by the withdrawal of the drawback formerly allowed upon spirits made from malt. That was as direct an encouragement of private distillation as raising the duty was. Private distillation was not merely for the purpose of producing a cheaper article, its object was as much to produce a better article than that produced by the licensed distiller, and one more acceptable to the taste of the people. These two circumstances combined had contributed much to foster that which was the master-vice of Ireland. He sincerely hoped that the Government would most seriously consider the matter, and that some of its members would before long inform the House of their intention to alter the act of last Session so as to bring the duty at least as low as before last year, if not lower.

The Marquess of *Clanricarde* cordially joined with the noble Earl in rendering thanks to his noble Friend for his perseverance upon this subject. The returns moved for by his noble Friend clearly proved that crime had greatly increased, and every noble Lord who was connected with Ireland, or who resided in that country, was well aware that illicit distillation had also very much increased, and that the two were inseparably connected with each other. He was] perfectly aware that it would be said that the extremely low price of corn had produced as much effect as the high duty. He would not attempt to deny that proposition, but the lowness of price was foreseen when the duty was raised. Supposing that a return should show that it had produced an increased revenue, it must not be at once taken for granted that the increase was real. He was informed that the increased expense of the collection did away with the supposed advantage to the revenue, and those expenses were much increased by the necessary prosecutions, which had become very numerous. He was sorry to say that he believed there had of late been no great increase of the followers of temperance, because, although there was an increase in one place, it was balanced by a falling off in others. The good which the exertions of Father Mathew had done could never be entirely effaced; but it now became the duty of the Government and of Parliament to attempt to rid Ireland of that which had ever been its bane and the root of all other crimes, viz., illicit distillation. No one could for a moment mix up party spirit with such a question, and he had no doubt, if her Majesty's Government were to be convinced that the additional duty had been the means of greatly increasing crime, they would consent at once to reduce it.

Lord *Ashburton* said, the noble Lord opposite (Lord Monteagle) had misunderstood what had fallen from him on a former occasion. He had not questioned the truth of the statements of the noble Lord; all he said was, that the figures produced by him on that occasion did not prove them. He did not question the prudence of the noble Lord, but he would put it to him whether it would not be better to wait to see what were the intentions of her Majesty's Government upon the subject, because the facts, if assisted by several noble Lords, could not fail to attract their most serious attention. He understood the extra duty on spirit distilled in Ireland was imposed as an alternative for the Income-tax, which was imposed on this country. The present experiment having failed, it would become a duty of the Legislature to inquire whether, if relief were given, that tax ought not to be extended to Ireland.

Returns to be printed.

POOR-LAWS.] Lord *Teynham* rose to move certain resolutions respecting the administration of the Poor-laws, notice of which he had given to their Lordships, and in which he hoped to have their concurrence. As that was the first time he had ventured to address their Lordships, he trusted he should meet with the indulgence usually given to a young Member. He asked it, not on his own account alone, but also on the account of the thousands and thousands of the poor of this country, whose interests were deeply involved in the matter he was about to bring under their consideration. He pleaded before them the interests of thousands and thousands of the poor, not those who could complain of the deprivation of the comfort and the quiet of domestic life, but of those whose very domestic existence had been annihilated — of thousands and thousands who, if a census of the poor were taken, would be compelled to be returned as having no domestic existence whatever; he pleaded before their Lordships not only for those, but for thousands more who were fast sinking into penury, who had not only the miserable expectation of having to endure cold and hunger in their own homes, but who had no other expectation than to suffer with their brethren the utter annihilation of domestic life; nay he did not think it improper to say, that he appeared before their Lordships on behalf of millions of the poor yet unborn, and he prayed on their behalf that they might not be born to such a miserable inheritance. He felt great encouragement in presenting the resolutions to their Lordships for their adoption, because the language in which they were couched spoke to our common nature—to the heart, the thought, and the feeling of every man; and whatever reason of state, whatever private thought or feeling, might be thought to warrant an opposition to them, he felt sure, that the feelings of every heart must be in their favour. The first resolution declared, that the separation of man and wife was an exceeding evil, and the cause of evils. A large and helpless portion of the community found themselves treated contrary to those principles which they saw guided every day life. On that head, he would lay before their Lordships several facts upon the matter. In the first place, every one acknowledged that the principles which regulated the law and practice of divorce were wise and just; the result was, that the number of divorces was very few. Perhaps they ought to be more numerous, as was shown by their proceedings last night in the case of a noble Marquess. In that case, the question of divorce did not turn, as it ought to have done, upon the conduct of the husband to the wife, or the wife to the husband, but simply and improperly upon the state of feeling between a son and his father. The law of England recognised only two kinds of divorces, the divorce *a mensâ et thora*, and the divorce *a vinculo matrimonii*. To the former of these the poor were subjected. On entering the workhouse, they were *ipso facto* divorced. There was no shame attaching to that divorce, but there was more pain attendant on it than if the divorce had been consequent upon the conduct of either party. The pain which they endured was a thousand-fold augmented by the fact, that there existed no cause for their being divorced. If their Lordships only looked at the number who entered the workhouse never to return—if they looked to the number who actually died in the workhouse in a state of actual divorce, they could but feel that the law was most cruel and unjust in its operation. The law said, that there should be only two kinds of divorces, but the authority of those who had the care of the poor decreed that there should be many kinds of divorces. If the one portion of our law were just and equitable the modern legislation, which gave authority to the commissioners at Somerset-house, must clearly be most cruel, unjust, and oppressive. In granting divorces, it was most wise, that their Lordships should, in every possible case, see that there was no connivance between the parties, no pretence, but clear, manifest adultery, before they would say "content" to any divorce bill. If any man came to the workhouse and said, "I am poor; I have no means of subsistence; I wish to be admitted;" then the answer to that man must be, "You cannot be admitted unless you submit to be practically divorced from your wife." The system of practical divorce went on day by day, and every day; and when a poor man was thus debarred from the society of his wife, how could it be expected that he should regard that as a paternal Government which so treated him? Again, the House well knew, that there should be no divorce granted to a man who had himself been guilty of cruelty or adultery. In such cases the courts would not interfere; but the workhouse authorities attended to no such nice distinctions; men and their wives might live together upon the best possible terms, there might be endearment, there might be purity; but instead of their being kept together by a kind law, they were torn from each other's bosoms; what was the character of that law which separated man and wife for no other crime than poverty? Cases from time to time came before the courts of law in which persons were found acting not according to nature; children suffered from cruelty or from neglect, and the courts always treated the unnatural act as a crime; but here the Legislature interfered to produce the commission of unnatural acts, they not only divorced husband aad wife, but they separated parents from children. It was no uncommon thing for women to be imprisoned for neglecting their children; but here people were imprisoned, because they wished to take care of their offspring—how could those two laws stand together? A bill was, a few days ago, laid on the Table of their Lordships' House, which was objected to on the ground that it went to introduce a new crime; but the Poor-law never seemed to have been objected to on that ground, although, unquestionably, it treated as crimes, acts which, in all previous time, had been regarded as praiseworthy. There were acts which imposed as penalties three months' imprisonment, or three years', or transportation for life, and the wisdom of the judge was often shewn by the manner in which he apportioned the punishment, and the result of that wisdom was, that there often appeared a wide interval between the actual sentence and the maximum of punishment; but in the workhouse, there was nothing of that sort—no limit to the punishment inflicted on the poor. A man and his wife presented themselves at the door of the workhouse and requested relief; he was immediately taken in, and subjected to a punishment—there was no descending scale—nothing left to the wisdom and clemency of a judge. How contrary was all that to the received maxims of English law! In the ordinary courts of justice, a man or woman was brought up and sentenced according to the nature of the offence, and according to the character which they might have previously borne. If that character were good, the witnesses recommended them to mercy, the jury recommended them to mercy, and the judge listened to that recommendation, and the amount of punishment was awarded accordingly; but in the workhouse the honest man and the thief met upon terms of equality. The poor man, for no crime but poverty, was imprisoned like a ruffian, and kept in confinement all his life. In an ordinary prison, if an offender were sentenced to any given duration of confinement, or a convict were sent to the hulks, some attention was paid to his conduct. If he complied with the rules of the house, and evinced submission to authority, a report in his favour was made, and some portion of his punishment remitted: but not so with the inmate of the workhouse. The convict sentenced to ten years' might get five off, but men who had committed no crime must go into a workhouse and expect no mercy. In a well-regulated community the state of the law ought to be such as to meet every emergency that could come within the scope of legislative enactments; but there existed no power whereby the evils of which he had been complaining could be remedied. Suppose a man, his wife, and their children presented themselves at the door of the workhouse. They said they had no food, no money, no employment, and they asked the master of the house to give them food and employment. His reply would be, "You shall have it if you will come into the house." What would they rejoin? They would naturally say, "We are lawfully married; our children have been born in wedlock; we love each other and we love our children; will you give us employment and bread without separating us?" He answers, "No." Then they reply, "We cannot accept relief on your terms." They retire; but hard necessity soon compels them to return, and again they are repulsed. Then one dies of want. Surely the officer—the legal officer—the man acting under the law, who has refused them relief—has not that man committed a crime, and ought he not to be punished? Time would soon show that the Poor-law was not a piece of legislation which could be acted up to. He questioned very much whether it was wise that any law should so assume the form of a tempter as this Poor-law did. Was it right that any portion of the law of the land should be so framed as that it should offer a temptation for the destruction of all domestic ties, and that the bribe which it gave should be a loaf of bread? A single man might bear the brunt of bad times; he might accept the remedy offered to him, or he might reject it; but the case was different with a man and his wife. What a painful case of conscience it would be for them to consider, after they had gone into the workhouse, what amount of torture they ought to have endured before they accepted relief! Then, in the case of man and wife, a question would arise as to who ought to be the first to propose going into the workhouse. He had wooed her, he had asked her to become his wife; ought he to be the first to propose divorce to a virtuous woman? She took him, and vowed to be his wife till death did them part; and how was she to suggest a dissolution of the matrimonial union? Then, where was it to begin? The new law, however, came in as a tempter, and offered them bread if they would separate. Then, let the House for a moment examine the grounds on which parents and children were separated. The only just ground besides neglect and cruelty would be immorality and irreligion; but when there was neither immorality nor ungodliness, surely nothing could be more unjust or unnatural than the separation of parents from children. He begged of their Lordships for a moment to remember the pains which they took for the improvement of their tenants, for the cultivation of domestic virtue amongst them, and for exciting in their breasts an attachment to home. Let them recollect the pains which they took to render their cottages comfortable, the prizes they gave for successful horticulture, for flowers, and for plants. Then, with what consistency did they, acting in that manner as individuals, stand forward collectively to support the new Poor-law? There yet remained to be considered the fearful evils which a rigorous separation of the sexes produced; the wife never experienced the support or the protection of the husband, he was never gladdened by her smiles, nor comforted by her ministration. Were their Lordships, willing, then, that tears should flow, and hearts should break, and mind and body give way? It was dreadful to think that their Lordships were incurring such a responsibility. In addition to all this, the want of classification in the workhouse was a fearful evil; the weak, the aged, and the emaciated were mixed with and jostled by the robust, the strong, and the rude; and those who shrank from contact with immorality and profaneness were thrown into the very midst of it. Again, the children of the poor in the manufacturing towns were weakly things, and wanted much of a mother's care; yet those that most wanted that care were the most liable to lose it, and those who had the greatest need of sympathy enjoyed the least. There was a great difficulty experienced by poor persons in large towns in keeping their children uncontaminated by the vice around them—in preserving children who knew no crime from other children in the streets; but, however a poor man, residing in a cottage, or in a room in the city, might succeed in keeping his children from evil communications, as soon as he was driven into the precincts of the workhouse, his children were plunged at once into the mass of wickedness which it was the great object of the parent to keep them from. Their Lordships knew how largely the good of society depended upon a mixture of the sexes in families, of brothers and sisters; they had been at school, and they remembered the happy ideas which home inspired, and of a father's, and mother's, and sister's smiles; but here were children who had committed no offence shut out from the common sympathies of our nature. One word as to this separation being the cause of evil. He looked at the amount of heartfelt agony endured by parents at the bare prospect of this separation as one of its most painful incidents. He remembered going to a cottage and perceiving a poor woman weeping. What was it for? She feared that her husband, who loved his children, would go out of his mind from the agony he suffered at the idea of going into the workhouse. How many were there who, having wrought up their strength of heart and courage to the pitch of going into the workhouse, found they could not bear the separation, and returned into the world to struggle with all the distractions of poverty, rather than endure the misery of separation? If the amount of domestic affection had been diminished — thanks to this law. If vice had been disseminated — thanks to this law. This separation was an evil, and the cause of evil, and if their Lordships came to this conclusion, the next thing to be done was to abolish it. He asked for no opinion upon the general merits of the Poor-law; it was one single point only—the operation of that law as it affected domestic life,—that was the sole subject of consideration to-night, and it was on that ground only he asked for their Lordships' votes. If a law were wise, just, and benevolent, and because it was so, they supported it, and if in carrying out the enactments of that law it was overstrained in one point, it ceased to sustain that character, and it became unwise, unjust, and unkind. If therefore their Lordships thought that the Poor-law Amendment Act was on the whole wise, just, and kind to the poor, but that upon this one point it had a contrary character, although they were willing to support the law, they would not support that portion of it. The noble Lord in conclusion, moved the following resolutions:—

> "1st. That it is the opinion of this House, that the separation of man and wife, of parents and children, which takes place in the union workhouses, is an exceeding evil and the cause of evils. 2nd. That its abolition ought therefore to be forthwith sought. 3rd. That by a judicious administration of out-door relief, the use of the workhouse for married paupers, except for casual poor and cases of exigency, might be and ought to be abolished."

The Duke of *Wellington*: It has always been the habit of your Lordships' House to listen with the utmost attention to what falls from a noble Lord who addresses your Lordships for the first time, and who has for a short period only been a Member of your Lordships' House, and I am happy to congratulate the noble Lord upon having received the utmost attention from your Lordships during the address he has delivered on this occasion, and I am convinced that your Lordships will have been satisfied of the zeal and anxiety of the noble Lord on the subject on which he has addressed you. The noble Lord has done your Lordships justice in stating that you would give the utmost attention to every question in which the interests and happiness of the people are involved; and you have given your anxious attention to such questions; you have frequently done so on former occasions, and you will do so on future occasions; and I am extremely concerned that it falls to me, in the execution of a public duty I have undertaken, to warn your Lordships against being led away by the eloquence of the noble Lord, and by the topics he has urged, to adopt the resolutions which the noble Lord has laid upon the Table. I say "laid upon the Table," for, in point of fact, in the whole of the able address of the noble Lord he has not stated one word in reference to the execution of the measure he has recommended to your Lordships to adopt. He has endeavoured, very naturally, to excite your Lordships' feelings in respect to some parts of the execution of the Poor-law; but he has not stated one word in respect to the carrying into effect of the measure he has recommended to your Lordships in the resolutions he has brought forward—we are left wholly in the dark as to the manner in which the measure is to be carried into execution; and I think that in the course of the noble Lord's speech I perceived that he was not exactly aware of all the circumstances attending the matters to which he has drawn your Lordships' attention. For instance, that which the noble Lord called a "divorce," and argued upon as in fact, a divorce, is, in truth, no separation at all, except so far as regards sexes; the parties reside under the same roof; they see each other at all hours of the day; it is only as sexes they are separated. The noble Lord appealed to your Lordships, and asked what would be your Lordships' course of conduct, supposing such a proposition were made to one of your Lordships. Why, my Lords, I apprehend that your Lordships are—I know some are—liable to have that proposition made to you; such of your Lordships as are members of the naval and military professions are liable to suffer that very privation. Take it that this separation of the sexes is very lamentable, if you please; it is very lamentable that parties should be obliged to go into the workhouse; it may be very lamentable that it is impossible to carry on that system of out-door relief which was in existence ten, twelve, or fifteen years ago; but it was very lamentable that the abuses should have existed which did exist ten or fifteen years ago, and for which, though they attracted the attention of some of the greatest men in the country, they could not devise a remedy. Mr. Pitt, Mr. Whitbread, and Mr. S. Bourne were sensible of, but could not find a remedy for the evils resulting to the poor, to the lowest class of the poor from the system of out-door relief under the old Poor-law. If the noble Lord had considered the subject, he would have seen that this was the fact. But what I wish to call your Lordships' attention to is, that the noble Lord now calls upon you to legislate by the way of a resolution on this subject. My Lords, some short time ago, in the present Session of Parliament, in answer to a question put to me on the subject, I had the honour to state to the House that a bill to amend the Poor-law was under the consideration of her Majesty's Government, and would be introduced into Parliament in a short time. That bill has not yet been introduced, because there have been so many other subjects under consideration, some of which have been introduced, and others are about to be introduced, that it has not been possible to bring it forward; but the measure will undoubtedly be brought forward in a very short space of time, probably before the Easter recess. Under these circumstances, I venture earnestly to recommend to your Lordships not to think of agreeing to these resolutions, which can be binding on nobody; they cannot be binding on the House; they may be on the noble Lord and on those who may support him; but they cannot be binding on the House itself, and your Lordships may support the measure which shall come up to you —it may pass and become the law of the land, though it may be inconsistent with these resolutions. Under these circumstances, I recommend your Lordships not to vote for these resolutions, even though the noble Lord should propose some measure to carry them into effect, and he has yet done no such thing. You will shortly have the whole measure of the Government before you, and if you propose any amendments—and I entreat you to do so if you think fit—I shall be ready to discuss whatever amendments any noble Lord may propose; but I entreat you not to stultify yourselves by passing resolutions which cannot be binding on yourselves—which can, in fact, bind nobody —but that you will wait till you have the whole measure before you, and then decide upon the course you will take. In the meantime I move that this House do now adjourn.

Earl *Stanhope* said, he saw only two noble Lords opposite (the Marquess of Lansdowne and the Earl of Auckland, who, besides Lord Teynham, were the only Peers on the Opposition Benches), and he could not help asking what had become of the pretended friends of the people? It was not for him to say what would be thought of the absence of those noble Lords; but if, peradventure, there should be present on this occasion any person or persons who had not the honour of a seat in that Assembly, which he did not presume to be the fact—he spoke hypothetically—it would then go forth to the world that only two noble Lords on the other side of the House, were present on the discussion, a matter affecting the comforts and morals of a million and a half of permanent or temporary paupers. The present Poor-law was intended as a stepping-stone to having no Poor-law at all, this was confessed by a noble Earl (Earl Fitzwilliam) connected with the county of York. He would say that this was the ulterior object of the law, as described in a document which had happened now to see the light, though studiously and carefully concealed from public observation, for the non-production of which shuffling excuses were made, and which, when dragged from its obscurity, did appear the most flagitious and execrable paper that had ever been exhibited before a public assembly, he would not even except the National Convention of the French Republic. It was proved by this paper, and avowed by the authors and supporters of the law, that the object was to put an end to giving relief to the poor. But, with regard to the particular subject before their Lordships, he agreed with the noble Lord as to the separation of families in workhouses, more appropriately entitled prisons. Upon this point there did appear to be a remarkable discrepancy between the statements of the supporters of the law. When the late Duke of Buckingham, with reference to a petition from Stoke Poges, inquired of the noble and learned Lord then on the Woolsack (Lord Brougham), whether it were or were not intended, as seemed to be apprehended, that such separations should take place under the new law, the noble and learned Lord (whose absence he regretted) replied, that the wildest imagination of the most distracted mind could not possibly have conceived such a project; but when the bill was brought forward, the long-suffering people of this unhappy and ill-governed country submitted, as others would not have done, to this atrocious injustice. When the bill was before the other House of Parliament, a Colleague of the noble and learned Lord, the then Secretary of State for the Home Department (Lord J. Russell), declared that this was an essential and integral part of the law, and had been always intended to be so. He considered it, with the noble Lord opposite, as a great evil, and the cause of many evils; he would say, that it was a flagrant and intolerable injustice, and that the forcible separation of man and wife was a direct violation of the holy Scriptures, and could not be justified, as his noble Friend (the Duke of Wellington) supposed, by any fanciful analogy with the military and naval services. Officers in those services were not obliged to enter them. [The Duke of *Wellington:* What do you say to impressed seamen?] Impressment was an evil defended only by State necessity; but no person was legally liable to impressment, unless he was a seafaring man, and, being so, he was as much separated from his family on board a merchant vessel as in the royal navy. He protested still more strongly against the use which the noble Duke had made of the *clarum et venerabile nomen* of Mr. Pitt. Mr. Pitt, to his immortal honour be it spoken, proposed a mitigation of the laws relating to the poor. If that great man had done nothing else, that would be an imperishable monument of his benevolence, patriotism, and profound wisdom. What would Mr. Pitt have said, if he could have seen the puny statesmen of the present day who assemble at Pitt clubs, men not fit to wipe the dust off his shoes—what would Mr. Pitt have said if any man had dared to propose a measure of this nature? It was the boast of the friends of Mr. Pitt, that he had been able to guide the vessel in safety through one of the most perilous storms that ever threatened the welfare of the State—that he had preserved to us the dominion of the seas, not by starving the people, but by watching over their interests. In 1803, the weavers of Lancashire applied to Mr. Addington to introduce some law for the purpose of regulating their wages. The application to Mr. Addington having been unsuccessful, they then applied to Mr. Pitt. When Mr. Pitt heard that Mr. Addington had said, that the wages could not be regulated by law, Mr. Pitt exclaimed:—

> "Gracious Heaven! have I lived to see the day when an English Chancellor of the Exchequer says that nothing can be done to protect the wages of the manufacturer?"

He (Earl Stanhope) hoped that the noble Lord would not be induced to withdraw his resolution. He thought that if the noble Lord had gone more at length into the consideration of the third resolution, he would have been able to establish that the system of out-door relief was not only more in conformity to the wishes of the poor, but that it would be more economical to the rate-payers. The condition of the poor in the union workhouses was more intolerable than that of the prisoners confined as criminals in our county gaols. Unless some measure of relief was introduced he thought that the peace of the country would be seriously endangered. He, in common with the noble Lord, entertained a strong, deep, and well-founded impression that in the course of time, and indeed in a short space of time, the evils to which a reference had been made, and in fact many others, would be for ever removed. That removal might be effected by means to which he would not more particularly allude. The signs of the times were written in large and legible characters—that he who ran might read. None but those who were wilfully blind could avoid seeing the handwriting on the wall.

The Duke of *Wellington.*—The noble Earl has referred to a document which has been represented as having formed the basis of the Poor-law bill. Knowing, as I do, my Lords, that no such paper ever existed, I will venture, in this House, to deny the assertion altogether. I again repeat that no such document ever existed.

Earl *Stanhope:* Of course, I am bound to believe what the noble Duke has said, but I never before heard that the existence of the document was denied, or even doubted.

Lord *Lyttleton* was not quite satisfied with the explanation which had been given of the principle upon which man and wife were separated in the union workhouses. He said that, if a workhouse system were established, such a separation of necessity followed. It had been urged that the main and essential principle of relief was, that the residence in the workhouse should be altogether temporary. Under such circumstances, he could not see any inherent hardship in the separation of man and wife.

Lord *Colchester* wished briefly to draw their Lordships' attention to the relaxation of the strict rule which had a reference to the administration of out-door relief. There was a class of persons coming within the description of ablebodied labourers, who could not earn sufficient for the maintenance of themselves and families. He hoped, that whatever law was introduced, the case of such persons would be taken into consideration, and that partial relief would be afforded, without compelling them to enter the workhouse.

House adjourned.

HOUSE OF COMMONS,

Tuesday, March 7, 1843.

MINUTES.] BILLS. *Public.*—1°. Factories.

Reported.—Punishment of Death; House of Lords Oaths.

Private.—1ª. Carmarthen Markets; Anderton Carrying Company; Lady Fleetwood's Naturalieation; Crawford and Belper Road.

2°. Stafford and Worcester Canal; Cardigan Market;

Ipswich Docks; Liverpool Gas; Trentham Roads; Birkenhead Improvement; Birkenhead Cemetery.

PETITIONS PRESENTED. By Mr. F. Maule, from Linlithgow, and Mr. P. M. Stewart, and other hon. Members, from Alexandria, Wesleyan Ministers in London, and the Presbytery of Annan, for Relief to the Church of Scotland.

ECCLESIASTICAL COURTS.] Mr. *B. Escott* wished to put a question to his right hon. Friend the Judge-advocate (Dr. Nicholl) of which he had given notice yesterday. He hoped, from their long acquaintance, his right hon. Friend would not believe that he would presume to offer any obstacle to any proceedings under the care of his right hon. Friend unless he (Mr. Escott) thought that the public interest imperatively required it. He wished to know whether his right hon. Friend intended to persevere in moving the second reading of the Ecclesiastical Courts Bill, on Friday next? After what had transpired in the country upon the subject of the bill, and after the general feeling excited against some of its principal enactments, he wished to know whether his right hon. Friend would not feel induced to defer the second reading till after Easter, when not only the Members of the House of Commons, but the country at large would have had an opportunity of considering its provisions more fully?

Dr. *Nicholl* said, that before he replied to the question of his hon. and learned Friend he begged leave to state that the bill to which his hon. and learned Friend had referred had been introduced on public grounds only. There was, therefore, no reason why his hon. and learned Friend should, out of any personal regard or affection to himself abstain from any opposition to the bill, which, as a public measure, he should feel it his public duty to offer. As to the question of his hon. and learned Friend, he begged to say, it was his fixed determination to bring the bill on for a second reading on Friday evening next.

Mr. *C. Buller* begged to ask the right hon. Gentleman whether, as he had put off the second reading of the bill to a period when all the legal Members of both sides of the House would be out of town, it were his intention to bring it on when there would be nobody present to discuss it?

Dr. *Nicholl* said, he did not know whether he were bound to answer a question which conveyed so many inuendos—and unfair inuendos—as the question of the hon. and learned Gentleman. He had brought on the measure on the first night he had found it convenient to do so, considering the state of public business. He had not deferred the measure from any intention of avoiding the expression of the opinions of hon. and learned Gentlemen; and he would not now postpone the second reading, in order that they might be enabled to attend.

Mr. *C. Buller* said, that he should upon that ground try every way possible to get the second reading of the bill put off again.

Mr. *R. Yorke* expressed his regret that the right hon. and learned Gentleman (Dr. Nicholl) should persevere in bringing forward the bill on Friday next. He felt it to be his duty to his constituents to submit to the right hon. Baronet the Secretary of State for the Home Department, whether, considering the importance of the bill, the interests that it involved, and the complication and difficulty of those interests, there ought not a longer time to elapse before the bill was read a second time. He trusted the right hon. Baronet would postpone the second reading for a fortnight at least.

Sir *James Graham* said, that both he and his right hon. Friend the Judge-advocate were anxious to consult the wishes and convenience of the House to the utmost extent. But this measure had been under the notice of Parliament for many successive Sessions; and he must say that he thought the time had arrived when the House was competent to decide upon the principle of the measure. When the principle should have been adopted there would be the greatest desire on the part of his right hon. Friend to give full time for the consideration of the details in committee. Under all the circumstances, he saw no reason for postponing the measure beyond Friday.

Subject at an end.

ISLE OF MAN—DUTIES ON BRITISH GOODS.] Dr. *Bowring* wished to ask the right hon. Gentleman the Vice President of the Board of Trade, whether any inquiry had been instituted by the Government, with reference to the propriety of continuing to levy duties upon British manufactures imported into the Isle of Man? He believed that the levying of those duties had excited much disatisfaction.

Mr. *Gladstone* said, that the Government had seen no reason up to the present time of instituting any special inquiry into the subject to which the hon. Gentleman had referred. The duties in question were very moderate in amount and formed part of the revenue of the island. He was not prepared to say whether it would be always necessary to raise the same amount of revenue as at present but so long as that revenue was raised, he was not aware that it could be raised in a less objectionable mode than by the imposition of the duties on manufactured goods. He should also add, that he did not believe any complaint had been raised on the subject in the Isle of Man.

Dr. *Bowring* would take an early opportunity of moving for returns connected with the subject, in order to call the attention of the House to it again.

INSANITY AND CRIME.] Mr *Mackinnon* seeing the right hon. Baronet the Secretary of State for the Home Department in his place, begged leave to put a question to him, of which he gave notice yesterday. He begged to observe that the question put him in some difficulty, as chairman of a bench of magistrates. While acting in his district, It might happen, as it had often happened—supposing a man should be brought before him. He merely wished to ask the right hon. Gentleman whether it was his intention or not to bring in a bill to alter and amend the law now existing in reference to capital offences committed by parties only occasionally subject to delusions of the mind. He wished to know whether a more stringent law would be bronght forward, so as to prevent individuals from taking advantage of the delusions of former times in pleading to crimes which they had committed.

Sir *J. Graham* said, that he was sure the House would feel that it was of the utmost consequence, that caution and deliberation should be used in dealing with the subject to which his hon. Friend had alluded. It was impossible that the attention of Government, as well as that of the public at large, should not have been directed to this matter. But he was sure the House would feel, that it would be highly inexpedient upon his part to pledge the Government to the introduction of any measure for altering the present state of the law upon a subject of such paramount importance—a subject requiring caution at all times; but which he was convinced the House would admit called, at this particular juncture for the most calm deliberation; and when it was particularly necessary that nothing should be decided from the feelings of rhe moment, or in haste.

PUBLIC EDUCATION—ANSWER TO THE ADDRESS.] The Earl of *Jermyn* appeared at the bar of the House, and said: I have the honour to inform the House that their address to her Majesty, on Tuesday last, praying, that her Majesty would be graciously pleased to take into her instant and serious consideration the best means of diffusing the benefits and blessings of a moral and religious education among the working classes of her people, has been presented to her Majesty, and that her Majesty was pleased to receive the same very graciously, and to give the following answer:—

"I have received your loyal and dutiful address.

"The attention of my Government had been previously directed to the important object of increasing the means of moral and religious education among the working classes of my people

"The assurance of your cordial co-operation in measures which I consider so necessary, confirms my hope that this blessing will be secured by legislative provisions."

CHURCH OF SCOTLAND.] Mr. *Fox Maule* said that, in rising to bring under the consideration of the House the question of which he had given notice, he felt so deeply the general interest which that question excited in the country to which he belonged, and he felt so much the responsibility which he undertook in bringing it before the House, that although it was at all times necessary he should appeal to them for their indulgence, he did most earnestly upon the present occasion, not for his own sake alone, but on account of the subject itself, request their patient attention whilst he brought the principles upon which this great question turned, probably for the first time, fully and fairly before that House. He had had the honour a short time since of presenting to the House a petition from a commission of the General Assembly of the Church of Scotland, a petition which, though it emanated from that body which was called a commission of the General Assembly, yet, for the sake of making the matter clear to English Members, he might say it was in character and substance the same as the General Assembly itself, inasmuch as it consisted of all the same elected members, being somewhat analogous to a committee of the whole House of Commons, and bearing the same relation to the General Assembly as a committee of the whole House bore constitutionally to the House itself, with the Speaker in the chair. From that body he had had the honour, in association with others, of presenting a petition to the House. That petition comprehended two distinct grievances. The first of those grievances was, that an infringement had been made upon the constitution of the ecclesiastical courts of Scotland, of which the General Assembly was the head and chief, by an invasion of the rights and privileges of their jurisdiction by the civil courts of the country, a complaint and a grievance which, in his opinion, involved an invasion of the constitution of that portion of this kingdom to which he had the honour to belong. The second grievance of which the petitioners complained was one which they stated had existed under the law for many years: it was the grievance of patronage. It was no new complaint, either for the Church of Scotland, or for the people of Scotland to complain of patronage, but one which, though for a while it might have remained dormant, had never wholly ceased. Patronage was felt to be a ruling and general grievance by the people of Scotland; and as true religion from time to time revived in that country, so the complaint against patronage from time to time increased in strength. These were the two distinct complaints embodied in that petition; and the commission of the General Assembly prayed the attention of the House to both of them. He would first call the attention of the House to the complaint or grievance affecting the constitution of the ecclesiastical courts by the interference of the civil courts, and which the petitioners conceived to be an invasion of the constitution of all the church courts of Scotland. He was afraid that much misrepresentation had existed with reference to the claims of the General Assembly upon this subject, and those misrepresentations, which originated first of all with the various enemies with which the Church of Scotland had to contend, had at last, he regretted to say, been propounded and adopted by her Majesty's Government. He trusted that those misrepresentations had been adopted unintentionally and in error, for he was unwilling to believe that a government, of which the right hon. Baronet opposite was at the head, one who, whilst he was connected with the patronage of the Church of Scotland, administered it not only to the satisfaction of the country, but much to the public benefit—he was unwilling to believe that a government, of which that right hon. Gentleman was the head, would deliberately mix themselves up with and adopt misrepresentations for which he should show there was not an atom of foundation. In referring to papers which had been delivered to the House, he found a letter addressed by the Secretary of State for the Home Department in answer to a memorial addressed to her Majesty's Government by the General Assembly; and in that letter he found a statement made with reference to the claim of the Church of Scotland. It was there broadly stated, that in resisting the civil authorities, those who were entrusted with spiritual power

> "Imagined themselves suffering for conscience sake, and not only that in all causes spiritual they were the sole judges, but that they alone were competent to determine what was spiritual and what was civil."

Yes, that they alone were competent to determine what was spiritual, and what was civil. Now, he must take the liberty to say that this was not correct. The clergy of Scotland did not claim alone to be the judges of what was spiritual and what was civil. That claim he was ready to admit, if it had been made, would have been one which he could not have supported, because it was fraught with danger to the religious as well as to the civil liberties of the country. What the General Assembly and the church courts of Scotland claimed was this, that they within their own sphere, constituting independent courts—like any other courts which existed in Scotland were independent within their own sphere, and without prejudice to the independance or the determination of any other court whatsoever, had the right of saying, in matters brought before them, what were the limits of the spiritual and of the civil parts of the case. That was their claim. But did that correspond with what was alleged in the letter of the right hon. Baronet the Secretary of State for the Home Department? It was there said, that they claimed alone to be the judges of what was spiritual and what was civil. Now, mark — they did no such thing, but they claimed that for their own courts, which they readily admitted to belong to every other court in its own sphere. That right they denied to no other court the right of determining what was spiritual and what civil in cases brought before them. All the General Assembly stood up for was this, that they were an independent court, recognized in the constitution of the country, established by law, and as independent and as free within their own sphere as the civil courts of the country. Now he thought that this claim was fully borne out by the statutes of Scotland. Whatever the claim might be, unless it were so borne out, he for one would not have supported it. He was not there to argue upon any fanciful grounds, or upon any theoretical system. All that he had to contend for was, that the established Church of Scotland stood upon the statutes of Scotland, and that they (the Legislature) had no right, at least, the civil courts had no right, to deprive them of that which by the statutes they possessed. He trusted the House would bear with him whilst he alluded for a short time to the statutes upon which the Church of Scotland claimed her jurisdiction. The first year to which he should refer, was the year 1567. From that year might be dated the connection, as it were, between the Presbyterian religion of Scotland, and the law and statutes of Scotland. It was certainly true that previous to that year the Presbyterian Church of Scotland had existed as the Church of the people of Scotland, though not in connection, as at present with the state. But in the year 1567, though not till then, the Church of Scotland was adopted by the state, and an Act of Parliament was then passed which gave the church courts their legal *status*. The fourth act of that year retained anew the confession of faith; the fifth act abolished the mass; the sixth act was anent the true kirk, declaring it to be the only true church in Scotland. The seventh was a very important act; it was entitled "Anent the admission of them that shall be presented to benefices, having cure of ministry," and it provided that the examination and admission of ministers within the realm should be only in the power of the kirk, now openly and publicly professed within the same. The act then went on to narrate the order of presentation, and to establish for the first time what was commonly called the *jus devolutum*, declaring that if the patron did not within six months, after a vacancy, present, the power of presentation for that turn should lapse to the church. Then came the following provision:

> "That if the superintendent refuse to receive a qualified presentee, the patron may appeal to the superintendent and ministers of that province where the benefice lies, and if they refuse, then to the General Assembly of this haill realm, he whom, the cause being decided, sall take end as they decern and declare."

That was the statute of 1567. It appeared that several propositions had been made by the church to the Parliament of Scotland. Among others he found one, that

> "To this our kirk be granted, and by this present Parliament confirmed, such privileges, jurisdictions, and authority as justly appertains to the true kirk, and that no jurisdiction ecclesiastical be acknowledged within this realm other than that which is or shall be, in this kirk, or flow from the same."

In the twelfth act of that Parliament, this proposition had been taken up, and acted upon, it was called "Anent the Jurisdiction of the Kirk," and in reference to the articles given in by the kirk, and the jurisdiction appertaining to it, it stated that the King, with the advice of the Regent, and of the three estates, has granted jurisdiction to the kirk in preaching the true word, in the direction of manners, and in the administration of both sacraments, and it added,

> "And that there be no other jurisdiction ecclesiastical acknowledged within this realm other than that which is, or shall be, within the said kirk, or that which flows therefrom concerning the premises."

Such were the proceedings in 1567; and he looked upon these as the original statutes by which ecclesiastical jurisdiction was given to the church; and unless he should be able to follow these statutes through the varied history of the Parliament of Scotland, he was willing that his case should be taken as "not proven." In 1579, the sixth Parliament of James 6th, chapter 7 of the statutes renewed the statute of 1567, and it was also entitled, "Anent the Jurisdiction of the Kirk." In 1581 both these statutes were renewed by Parliament, and then followed the celebrated act of 1592, which was sometimes termed in Scotland "the Charter of the Presbyterian Church." By that statute all the others in which church government had been previously recognised were distinctly re-enacted, and it was declared that the only ecclesiastical jurisdiction in the realm was that which flowed from the Presbyterian Church. It was not his object to detain the House by following the church through all the troubles and struggles to which it had been exposed, but by a single act all that had been so long and so strenuously maintained during so many years was taken away at one fell swoop. In 1662 was passed the statute for restoring the archbishops and bishops of Scotland. He mentioned this statute in order to take advantage of the preamble, which set out with declaring,

> "That the ordering and disposal of the external government of the church doth properly belong unto his Majesty, as an inherent right of the crown, by virtue of royal prerogative and supremacy."

It proceeded to state,

> "His Majesty, considering how necessary it is that all doubts and scruples which from former acts or practices, may occur to any concerning the same be clearly removed, doeth therefore, of certain knowledge, and with the advice aforesaid, rescind and annul all Acts of Parliament by which the sole and only power and jurisdiction within the church doeth stand in the church, and in the General Assemblies of the church, and all Acts of Parliament which may be interpreted to have given any church powers, jurisdiction, or government, other than that which belongeth to dependence upon and subordination to the sovereign power of the realm."

These words showed that at this period there existed the strongest impression, that for the purpose of re-establishing the supremacy of the King in matters ecclesiastical, it was absolutely necessary to repeal laws which gave that supremacy, not to the head of the state, but to the church courts, and to the church courts only. The same argument might be derived from the preamble of the act of 1669; but he would not trouble the House with the precise words, and would proceed to the period of the Revolution—an event brought about more perhaps by the country to which he (Mr. F. Maule) belonged than by any other part of the empire. In 1688, after various struggles between the Presbyterians of Scotland and those who asserted the doctrine to which they never would submit, viz., the supremacy of the King in matters ecclesiastical, the Revolution took place. At that time a claim of right and a statement of grievances was presented by the kirk of Scotland; and in that claim and statement it was distinctly made a portion of the offer of the Crown to William and Mary that the ancient Presbyterian government of the Church, as enacted in 1567, confirmed in 1581, and re-confirmed in 1592, should be adopted as the only church government of Scotland, and that all acts inconsistent with it should be repealed. Accordingly, in 1689 prelacy was once more abolished, and all the statutes for establishing it were entirely rescinded. In 1690, the Presbyterian church government, as ratified and confirmed by the Parliament of 1592, was once more restored, excepting on the subject of patronage, which was a question reserved for future consideration. All the judicial power of the church in her own courts, which had been recognised in 1567 and 1592, was re-established without change. In the year 1695 further acts were passed with reference to that portion of the question which had been reserved, and patronage was then left, not certainly in the hands of the patrons, but in other hands, which placed it pretty much under the control of the people. He now came to the union between England and Scotland. In addressing himself to that particular period, he begged to remind the House, and English Members in particular, how jealous the Scottish nation was of that religion for which their ancestors had contended, and for which they had suffered so severely. Not only would they not permit the commissioners of the union to treat upon the subject, but by appealing to their highest courts, and by using their strongest language, they endeavoured to secure to the church of Scotland the enjoyment of the privileges finally achieved for them by the Revolution. Their intention was, that no change whatever in time to come should take place in the particular form of church government as settled by the Act of Security. In fact that act was guarded in every possible manner: it was embodied in the treaty of union, and, before any Sovereign assumed his seat on the Throne of these realms, Scotland took care that he should make a declaration to maintain the rights and privileges of the Presbyterian church as established by the Act of Security. He would take the liberty of referring the House to an abstract of the Act of Security as it applied to the subject before the House. It ratified and confirmed the Presbyterian church government as established by former statutes, and declared it to be an unalterable, fundamental, and essential condition of any treaty of union to be concluded between the two kingdoms, without any alteration thereof or derogation thereto of any sort. Such was the language used at that time, plainly showing a determination to secure the permanent enjoyment of the Presbyterian religion. He had met with an opinion with reference to the Acts of Union and Security, which perhaps might have some weight with Scotch Members. It was contained in an extract from a speech of the late Lord President Hope, he believed when he was Lord Justice Clerk, and it was contained in Sir John Connell's book upon tithes, p. 390, and was to the effect following :—

> " At the union much was to be done; the existence of the Presbyterian church was to be provided for, so that it might remain in all future time unaltered from its then state. This was to be done by means of a treaty with a country in which a different church, at least a church under a different hierarchy, was established ; but this could not be left to be settled by a Parliament in which Scotland was not represented. Our ancestors at that time looked on the church of England as not a true church—in fact, they looked on it as worse than the church of Rome. He himself thought that there was so little variance between the Scotch and English churches that he would communicate with either ; but our ancestors thought differently, and they decided that the Parliament of Great Britain should have no power to repeal the settlement, and he was of opinion that an attempt to do so would be a dissolution of the union, and that resistance on the part of the people of Scotland in such case could hardly be termed rebellion."

Such were the words of Lord President Hope, and he apprehended that some importance would be attached to them. From this view of the statutes of Scotland, not read, he was free to admit, with the critical acumen of a lawyer, but with an earnest desire to arrive at their constitutional meaning, he had come to the conclusion that they supported the just claim of the Presbyterian church, that, in all matters ecclesiastical, it should have a right within its own sphere to be an independent court, without reference to any other. He would now trouble the House with an opinion much higher than his own upon this point : he alluded to that of Lord Moncrief, lately expressed in deciding upon the Stewarton case. It was not his intention to enter into the merits of that case, the Members of the present Government having stated that they had not yet made up their minds entirely to forego the question, but to await the issue of pending proceedings in courts of law, before they decided whether it would or would not be expedient to legislate upon it. Lord Moncrieff said :—

> " That he had learnt in his earliest studies of the law of this country, and he believed it to be no subject of doubt or controversy, that the Presbyterian church was originally constituted in its early history, and finally established, unalterably, by the statutes of the Revolution, and of the union with England, in the possession of courts of General Assembly, &c., which had power and jurisdiction, both judicial and legislative, on all matters spiritual or ecclesiastical, absolutely, independently, and exclusively, which no civil courts, created by statute for other ends, could touch or controul. He believed this to have been so settled, or at least to have been fundamentally secured, and an unalterable principle in the constitution of the state. This had been accomplished by a series of statutes more stringent and more unambiguous than the laws which had created or defined any other jurisdiction."

Lord Moncrieff afterwards went on to state, that—

> " He spoke at present only of the general principle, that there was in the constitution of these realms such an exclusive and independent jurisdiction, both judicial and legislative, on all matters ecclesiastical vested in the courts of the Presbyterian Church. Although he was well aware that the claim to this independent position had at various times been vehemently opposed as very distasteful to some, yet he must be allowed to say, that until the discussion of the present day arose he had never heard it denied as a matter of fact that such was the law."

Such was Lord Moncrieff's opinion in the outset of his argument, but he went on to say, that—

> " In the face of the letter and spirit of the statutes, as he read them, there was now found to be no separate jurisdiction ; he would only express his most decided and deliberate opinion against that principle, which, accord-

ing to his best judgment, tended to results which he trembled to contemplate."

Such were the words of Lord Moncrieff, confirming the opinion he had formed of the propriety, nay, of the absolute right, of the claim set up by the church courts. To the same effect he might also quote the language of Lord Cockburn, who had said, that—

> "He could not discover a single clause which gave, or even indicated, the existence of a power in any civil tribunal to control the ecclesiastical acts of the Church: the reverse seemed to him the key-stone of the ecclesiastical structure, not as described by ambitious churchmen, but as fixed by the Legislature. If the principle contended for were well founded, the Court of Session could always enter the church courts and control their acts, and it seemed to him an inevitable conclusion that the Church possessed no independence whatever."

These opinions of Lord Moncrieff and Lord Cockburn fully confirmed those he (Mr. F. Maule) had always held; and if a doubt on the subject had ever crossed his mind, the decisions of those two great men would have completely satisfied him of this—that if the question were so nicely balanced in the courts below, it became the Legislature, as the regulator of the constitution, to take it immediately in hand, and to give it the best consideration. The right hon. Baronet had stated, in his letter, that the question of jurisdiction was a question of law:—

> "Whether a particular matter in dispute is so entirely spiritual as to fall exclusively within the jurisdiction of the church courts, or whether it involves so much of civil right as to bring it to a certain extent, within the jurisdiction of the civil courts, may often be a difficult question."

To that extent he agreed with the right hon. Baronet, but when the right hon. Baronet added,—

> "It is a question of law, and questions of law are decided in courts of law, and questions of jurisdiction are also decided there."

He must take leave to differ upon that point. In the first place, he maintained for the ecclesiastical court an equal right with the Court of Session, to decide for itself, and within itself, what were the limits between civil and ecclesiastical functions in cases brought before it. He acknowledged the same power for the Court of Session, but he acknowledged no more. The highest authority he had been able to find on the subject of the jurisdiction of the Court of Session went with him to that extent, and no further: he would read a very short paragraph from the "Institutes" of Lord Stair:—

> "It is implied in the office of the Lords of Session, that they should interpret all acts of Parliament, without which they must be incapable to determine all civil causes; which interpretations, however, have no other effect but in relation to the said causes, without prejudice to other judicatories to interpret the same as they are convinced."

It seemed to him that the Court of Session had mistaken its functions, and had assumed to itself privileges belonging only to the State. Without meaning any disrespect to the Court of Session, he contended that it was the duty of the House to take cognizance of such a departure from the principles on which it was established; and he called on the House to resolve itself into a committee for the purpose of considering what he thought, under this point of view, was a great national question. He was aware that it was difficult at all times to reconcile conflicting jurisdictions; but, for one, he would never admit that, when two courts, equal by law and by the constitution, independent of each other, come into conflict upon matters however trifling, or however important, so that one assumed to itself the right to say that the other was wrong, there was no means of settling the dispute. As he read the Constitution, it became Parliament, which was the Supreme power, to interfere and decide betwixt them. If the House consented to the committee, he should suggest that, if the matter could not otherwise be decided, the House should address the Crown, in order that a declaratory act might be passed, better to define the jurisdiction of each court, and to limit each to its proper province. He maintained that, in ecclesiastical matters, the Church courts had as much right to define the limits of their jurisdiction, as any other independent courts. Conflicts might arise, he knew, and if they did arise, it was the business of Parliament to interpose, and not to allow one tribunal to assume undue authority over another. If the question were difficult, if the Gordian knot could not easily be untied, it was the duty of the Legislature to cut it, by making a law adopted to the circumstances. That was his reading of the

Constitution—that the manner in which he thought the subject ought to be taken up by the House. Having said thus much upon the subject of the first grievance, he wished now to advert to the next grievance—the exercise of patronage. It was almost unnecessary for him to argue it at any length, because it was admitted on both sides; but the principle of non-intrusion might be given in two words: it was, that no minister should be intruded upon a congregation contrary to the will of that congregation. This had been a standing principle of the Presbyterian church from the earliest times; it had endured from the very hour and moment of her first existence; it had been borrowed from the practice of the primitive ages, and remained from the time it was first adopted an integral part of the constitution of that Church. The right hon. Gentleman (Sir J. Graham) in the letter to which he had already referred, said, that the attack upon patronage was a modern invention:—

> "It would seem (said this letter) that this attack on vested rights secured by statutes, is of modern date, and that the civil authorities were not the aggressors."

Surely the right hon. Gentleman could not mean to say, that the principle of non-intrusion was a principle of modern date. If the right hon. Gentleman looked to the *Second Book of Discipline*, he would find that the principle of non-intrusion was there distinctly laid down. It was asserted in 1592; it was asserted in 1638; it was asserted over and over again; it was asserted up to the hour that the Act of Queen Anne was passed, and from the hour that the Act of Queen Anne was permitted to be placed on the Statute-book, it had been asserted by more or by fewer of the elders, the ministers, and the people of the Church of Scotland, as a principle from which (as he trusted) the Church of Scotland would never depart. Previously to the passing of the Act of Anne, the presentation was guarded by many popular checks; and by the Act of Security, an act which ought never to be invaded, the power of concurring in the appointment of their ministers was secured to the people. It was after this that the Act of Anne was passed. If it were of a recent date, perhaps, it would not be consistent with the usages of that House to refer to the motives for passing it; but, as a matter of history, he believed that few who heard him were not perfectly aware, first, of the surreptitious manner in which this act was passed; that it was passed without the knowledge of those immediately concerned; it was hurried through the House of Commons; it was hardly detained in the other House a sufficient length of time for the General Assembly to protest against it. Some suspicion did attach to it at the time, and history had confirmed it. The passing of this act, by the ministry of that day, bore little reference to the condition of the Church of Scotland; but it was passed for other purposes. To show how little trust could be placed upon all the stories which were palmed off upon people, and how much pains were taken to misguide them, it was but a few days since he had seen an address from a Presbyterian clergyman in London, broadly making an assertion which would make all who heard it smile—that the Act of Queen Anne was passed for the purpose of reconciling the people of Scotland to the Hanoverian succession; that the Jacobites were the chief supporters of the Episcopalian Church of Scotland, among whom no patronage existed; and it was thought right, in order to prevent the Presbyterians from following a bad example, to inflict upon them the evil of patronage. That was the statement made deliberately by the Rev. J. Cumming; and if such statements could be palmed off on the gentlemen of England, they should be guarded how they should take in information by that source. Another statement, he rejoiced to say, had been fully and fairly contradicted. It had been said that the Wesleyans of England took no interest in these proceedings of the people of Scotland. The fact was set at rest by the petition which that body had this night presented, and which had been read at the Table. When the act of 1712 was passed, one would have supposed if that act had been acceptable in any degree to the people of Scotland, there would have been little difficulty, that no time would have been lost in carrying it into effect, but it remained for nearly twenty years a dead letter on the statute-book. The first forced settlement was made in the year 1730. The proceedings began in the year 1726, and it took four years to bring the first offspring of this unnatural monster into being. During that period Mr. Duncan Forbes, of Culloden, one of the most able lawyers that Scotland had ever produced, protested against the law, and so did the people of Scotland; and yet this was ever described as a law for their satisfaction. In 1736 the principle of non-intrusion, which was now said to be a modern claim, was re-asserted in the General Assembly. From that day matters began, most unfortunately for Scotland, to assume a different aspect. Presbyterianism began to grow lukewarm, and finally cold. The church courts themselves, to the eternal disgrace of those courts, recognized the principle of forced settlements, and they themselves applied to the civil courts. He absolved the civil courts from doing more than the statutes required them to do; but he did leave on the General Assembly and the church courts of the last century the entire blame of suffering the religion of Scotland to pass into that lukewarm and cold state in which it had for many years existed. Then, about the beginning of this century, the evangelical spirit in Scotland began gradually to gain a little more strength; it was perpetually growing silently, but surely, and though it had some force and increase of numbers in the church, it never happened till the year 1834 that the evangelical body in Scotland became once more the majority in their church. What was their first act? What were the consequences which grew out of the evangelical strength in Scotland? As it grew the incompatibility of patronage and of the Act of Anne with the existence of the Presbyterian religion became apparent. He might refer hon. Gentlemen opposite to the opinion of Scotland in the years 1831, 1832, and 1833, on the subject of patronage. In the year 1834, the General Assembly came to the resolution of adopting that law of the church which had been so severely commented on; but he thought he could show the House that they did not pass that law, at least with the utter disapproval of England. In the year 1833 there were discussions in the House of Commons on the subject of the abolition of patronage, and the General Assembly, who were then considering the subject, might look naturally to the tone and feeling of that House. He found that in July, 1833, Sir George Sinclair brought forward his motion for the abolition of patronage, or for the repeal of the act of Queen Anne. Amongt the many Members who spoke upon that occasion, he was more particularly anxious to call attention to those who spoke from Scotland, in reference to the opinions that prevailed at that period, and as to their extent. Mr. Ross, then Member for Montrose, said,

"I consider that the members of the church of Scotland have by the original constitution of that church, a direct voice and control in the election of their ministers."

The learned Gentleman who then filled the office of Lord Advocate said,

"Why not leave the whole subject to be dealt with by that venerable body from whom had proceeded all regulations respecting the church of Scotland since the days of John Knox."

The hon. Member for Newcastle-under-Lyme (Mr. Colquhoun) said

"He asserted the perfect independence of the church of Scotland from all control,"

And went on to animadvert strongly on the act of Queen Anne. Mr. Gillon and Mr. Johnston were of opinion that the General Assembly might deal with this question. He then came to a high authority—to the authority of one whom that House had placed in the Chair; Lord Dunfermline said that

"It would, in my apprehension, be a most indecent proceeding in this House, when we know that there is a church Parliament in Scotland, to proceed to legislate upon that subject without previously ascertaining the sentiments of that body. I apprehend, therefore, that the only course which my right hon. Friend could possibly take would be to leave the question to the decision of the General Assembly."

Then, again, in the year 1834, Sir G. Sinclair moved for the appointment of a committee; that committee was granted, the report of which contained much valuable information. The hon. Member for the county of Morayshire (Major Cuming Bruce) then stated, embodying the opinion of the hon. Member for Aberdeenshire, and going further than he (Mr. Fox Maule) presumed to go.

"The hon. Member for Aberdeenshire says, that the General Assembly of the Church of Scotland is in ecclesiastical matters sovereign, and consequently that it could not be bound by the decisions of this House, which would have no force in our church courts till sanctioned by the General Assemby."

The hon. Member added, "Sir I believe this is the case;" he did not believe it was the case, he did not go so far. He did not agree with the hon. Member upon that point, but he quoted it to show that the General Assembly in passing the veto law did find encouragement in the public mind, particularly the public mind in Scotland, and that the veto law would have the public support. But he would go beyond that House. The law was passed—no fault was found with it—and in passing that law let him call the attention of the owners of patronage in Scotland to a fact. What was the result of that law? There was a great cry in Scotland for the repeal of the Act of Queen Anne, and to take away patronage, or what was termed the right of property in presentation. He did not recognise any such right. It was taken away in 1695; an act of Parliament restored it to the patrons without paying anything; if Parliament chose, it might take it away again—the owners would have no claim to indemnity or remuneration. In passing the act of 1834 it was the intention of the General Assembly to deal as lightly as it could with the owners of patronage. The General Assembly had two objects in view—one was the paramount assertion of the principle of non-intrusion, that was, that no minister should be intruded on a parish contrary to the will of the people; their next object was to do this, making the least objectionable encroachment on what was termed the right of patronage. They could not have laid their hand more lightly upon it in any way. Instead of re-enacting the call, they said that the patron should have the benefit of all parties who should not appear to exercise the veto; they said that the patron's nominee should be rejected only if the people came in *propria persona* to state their objections. They, therefore, enacted the great principle of the Church with as little encroachment as they could consistently with the right of patronage. Well, the law was passed. Was there anything to suppose that it was contrary to the statute law of the land, that it was inimical to the high authority, or that it would be opposed in the manner in which it had been? In the first place, there was in the General Assembly the Solicitor-general of the then Government. He was a member of the General Assembly, and voted for it. In the next place, it was passed in the month of May, and in the month of July in the same year the Lord Chancellor, from the Woolsack, in presenting a petition from the Synod of Glasgow on the subject of church patronage, said:—

> "My Lords, I hold in my hand a great number of petitions, from a most respectable portion of his Majesty's subjects in the northern part of this island, all referring to one subject—I mean church patronage in Scotland—which has greatly and powerfully interested the people of Scotland for many months past, and respecting the expediency of some change in which there is hardly any difference of opinion among them. The late proceedings in the General Assembly (in passing the veto law) have done more to facilitate the adoption of measures which shall set that important question at rest, upon a footing advantageous to the community, and that shall be safe and beneficial to the Establishment, and in every respect desirable, than any other course that could have been taken; for it would have been premature if the Legislature had adopted any measure without the acquiescence of that important body, as no good could have resulted from it. I am glad that the wisdom of the General Assembly has been directed to this subject, and that the result of its deliberations has been those important resolutions (viz. the veto law) which were passed at the last meeting."

That was the opinion of the great man who then held the Great Seal (Lord Brougham. He came now to an equally high authority, although one opinion was delivered from the Woolsack, and the other from the hustings. He could imagine a messenger had just arrived from the General Assembly, when Lord Campbell (then Attorney-general) said at Edinburgh, on the 28th of May, 1834,—

> "I rejoice to think that not many hours since a law has gone forth from the General Assembly which may have, under the blessing of Providence, the effect of reforming the Church of Scotland, and bringing it back to the standard of its former purity, and removing from it every objection and every complaint. By a majority of forty-six, last night, Lord Moncrieff's motion was carried, by which every parish will henceforth have an opportunity of inquiring into the qualifications and the character of its clergyman. The abuse of patronage will now be effectually remedied, and all cause of complaint be removed, both within and without the Church of Scotland." . . . "By the glorious struggle that has been made to restore the Church to its former purity, this triumphant victory has been gained."

That speech was delivered the very morning of the vote which had been come to at two or three o'clock in the morning.

Now, he thought that the General Assembly and the individual members of the Church of Scotland could hardly be blamed, after the encouragement they had so received for the act of 1834, from such high authorities, if they persevered in, and even took credit to themselves for having passed that act. For the three years and a half he would venture to say that no Scotchman would contradict him in the assertion that never did the administration of patronage in the Church of Scotland work so well—so comfortable, if he might use the expression, for the patrons—so advantageously for the people—with such increased means of doing good to the Church itself—as during the three years and a half that this law was allowed to work unmolested. So far had it even gained over its opponents, that Dr. M'Farlane, of Glasgow, an out-and-out supporter of unlimited patronage, had come to the belief that the Veto Act was a blessing to the country. His noble Friend (Lord John Russell) administered the patronage of the Crown in relation to the Church with such anxiety on his part, that such presentations as were made by the Crown were acceptable to the parishes in Scotland. In the midst, however, of all this prosperity, there came a sudden change: and it was extraordinary

> "What great events arise from little things,
> From how small beginnings vast events may flow."

Than in the Auchterarder case the veto was never more decidedly expressed; the dissentients to the presentee were little short of 300. Yet, from this case the Church of Scotland had been interrupted from that hour to this in that bright career of prosperity which every well wisher to the Church would have hoped to see continued. The right hon. Gentleman opposite (Sir James Graham), in commenting on the Auchterarder case, in his reply to the General Assembly, had made an accusation against the majority of the Church of Scotland, which he (Mr. F. Maule) must say, he regretted should have emanated from his authority, or from that of the Government, and he must take leave at this time in reference generally to this answer to the memorial and addresses of the General Assembly, to state that he had read the whole answer with considerable regret. He had looked in papers given out in the name of the Government for some distinct argument on the great principle, and a dealing with the principles of constitutional law. He was sorry to find that the papers were rather marked with a character of a partizan advocate here and there—unintentionally, it might be, and he was willing to give the right hon. Gentleman credit for having been led away—but he did trace such expressions and in none more so than in the passage to which he was about to refer. In the 21st page of his answer to the General Assembly, the right hon. Gentleman used very sharp and very laconic expressions. He told them that having submitted their case to the courts of law, they ought to abide by it:—

> "The Assembly submitted the question at issue to the judgment of the Court of Session. They were dissatisfied with the decision. They had their legal remedy. They used it. They carried the judgment by appeal to the bar of the House of Lords; and in the last resort the judgment of the Scotch court was confirmed, and the Veto Act was pronounced to be illegal. This solemn decision fixed the principle of law; which rules all the minor cases which have since arisen. The judgment in the second Auchterarder case, which found the patron and presentee entitled to redress in the form of pecuniary compensation for a civil wrong, was a legal sequence of the former judgment, and here, again, the Assembly was content to plead before the civil tribunal; and again, the Assembly refuses to submit to the compulsion of an adverse decision."

That was a repetition, in words more mild and sentiments more refined, of a warm accusation against the General Assembly which fell from the judgment seat, that,—

> "In refusing to submit to these decisions they are prepared to thimble-rig us."

That was the expression used by a judge on the bench when speaking of the same circumstances as were alluded to in the letter of the right hon. Baronet. He (Mr. F. Maule) thought that if the right hon. Gentleman had given himself more time for consideration, he would have seen that whatever accusation might have been made against the church courts for asserting their independence, they of the House of Commons ought not to be the parties to launch it. He thought that any one who reflected upon the position which that House occupied with reference to the civil tribunals of this country, would see that there was a close resemblance between the position of the House of Commons and the Court of Queen's Bench, and the position of the General Assembly with reference to the Court of Session. The General Assembly claimed to have its own privileges; those privileges were appealed against in another court, who instead of refusing to interfere, as he thought they ought to have done, were prepared to receive the complaint, and to come to a decision. The General Assembly hesitated to appear before the Court of Session. They paused, as they had seen the House of Commons pause, before it appeared, when its privileges were arraigned before the Court of Queen's Bench. The House of Commons also claimed its own privileges, and it properly stood by those privileges when they were interfered with by any court. The General Assembly did the same with respect to the Court of Session. Both came to the same decision, and the House of Commons was placed in the same situation by the act of the Court of Queen's Bench as the General Assembly was with respect to the Court of Session. Both believed that the courts of law would see that they had no jurisdiction, and would not have considered the question. Both the House of Commons and the General Assembly were disappointed. Would any one say, that the House was thimble-rigging the courts of law, if they did not submit to the decisions of those courts? The Church courts, maintaining their own privileges and denying the jurisdiction of the other courts, had submitted to an investigation by the other courts—denying the jurisdiction, but in the hope that the other courts would coincide with them, and would have dismissed the cases, saying that they had no jurisdiction. He would not pursue the parallel further; he would leave it to those who could more ably deal with it; but that the analogy did exist no one would deny; and they might depend upon it, that, as in the case between the House of Commons and the Court of Queen's Bench, so in the case of the Church courts and the Court of Session, the longer they permitted any doubts to exist, the more trouble would they be involved in here, the more trouble would they be involved in there. The Church courts were accused further, that after the decision of the House of Lords they persisted in maintaining the veto. He must be permitted to say, that this was not exactly the case, because the Church of Scotland, anxious that these differences should be settled with as little further dispute as possible, directed the Presbyteries, so far as they could, to postpone the cases between the patrons and the congregations, or to refer them to the General Assembly. That was, that they should suspend the Veto Act in the hopes of an amicable settlement. Since that, various appeals had been made to her Majesty's Government, rumours were from time to time current: sometimes they were excited by hopes that Government would take up the subject, and legislate upon it; and again rumours were current which made them despair of all assistance. The Government he did not accuse for not legislating, because, if they continued to leave the matter without legislation, they must take the responsibility. The Government had not thought fit to legislate, and the General Assembly now came to the House of Commons to take up the question, and they said, that if they meant to save the Established Church of Scotland from the disruption of all its best and most efficient Ministers, and in one word all its chivalry in connection with the State, they must take the matter into their own hands. This was the only manner in which they could deal with the subject; and he must not be suspected of endeavouring to intimidate the House, when he stated that he would deeply deplore the consequences which might ensue if the Legislature should refuse to deal with it. He feared that reports had been circulated which were too eagerly believed—reports intended to influence her Majesty's Government—that the question was making but a trivial impression on the people of Scotland: that if there were a secession, it would be a secession of Ministers without the accompaniment of their flocks. The House might believe that it was not an exaggeration, when he said, not only that there would be a large secession of the best and most efficient Ministers of the Church of Scotland, but also of a body to which they could scarcely attach less importance than to the Ministers themselves—he meant the eldership of the Church of Scotland; and no one could value too highly or more than he did that important body. As to the communicants, the days of restriction had long since passed. Every one could take his own course, and could worship his God according to the dictates of his own conscience. This they might rely upon; and to convince the House of the feeling of the people of Scotland, he need only read one passage from the introduction to a pamphlet proceeding from an hon. Gentleman opposite. He said,—

> "To expect from a people resolute as the Scotch, who have proved their resolution throughout a series of political events of no small importance, that they will abandon their ancient faith, is to forget the recollection of the past, and to substitute the vision of a disordered fancy, for the sober conclusion of the judgment."

He agreed in this, and he believed that the people of Scotland were intent upon nothing so strongly as the ancient establishment of the Presbyterian religion, with all its authority as recognized by statute, with all its jurisdiction as proved by past history, with all its liberal and popular powers as expressed by acts of Parliament. He would call to the attention of the House the fact that the great majority of the Members of that House were what was termed of the evangelical part of the Church. He would ask the House to listen for a moment to the changes which had taken place in the Church of Scotland since the evangelical party had become the majority in what he might call her councils. Previously to the year 1834 there were but two missionary schemes attached to the Church of Scotland: these were instituted only in 1824, and were established after great exertions on the part of those who were then the ministers of the church. In 1834 there was established a scheme for church extension; and with reference to this he felt himself individually bound to support the claims of the church in this country, because he had deemed it to be his duty, when the church came to that House to aid her in that scheme, on principle to oppose her having any grant of the public funds. In 1836, three schemes were proposed, which had for their object the religious instruction of the settlers and colonists detached from this country, through the wide sphere to which our colonies extended. In 1838, the Scotch Church established a scheme for the conversion of the Jews; and such was the zeal of her members under this new enthusiasm, that while, in 1834, the collection for all these purposes amounted to 4,800*l.* a-year; in 1842, it amounted to a sum no less than 25,000*l.* Was this a time, he asked, when disorder was stalking abroad with giant strides, when men's minds were unsettled, and there were no real principles to bind them, for a body of men, whose merits were so acknowledged and known, who had so striven to disseminate amongst the people of this country, both at home and in our colonies abroad, the true principles of religion, was this a time to treat such men with neglect? He apprehended that it was not, and he entreated the House to pause before, by any refusal to go into Committee—where only a discussion could take place with due effect—they gave a final answer to the demands which were made. He had endeavoured to show the House, with reference to this matter, first of all that the claims of the church with regard to her jurisdiction were founded upon the statute law of the land. He had followed those claims from the year 1567 down to the last statute enacted by Parliament. With reference to the broad question, he proposed that the House should take this matter into their own hands, that they should declare more definitively than now the matters wherein the jurisdiction of the church and of the civil courts lay, that they should maintain the provinces of both separate and distinct, and that if conflicts should arise they should be disposed of as occasion required. He did not ask the House to pass a simple act for the total repeal of the statute of Anne. He did not mean to say that for himself he should prefer that course, but he said that the more strongly the principle of non-intrusion was recognised, the better would the people of Scotland be satisfied. He did not ask for a measure based on the same principles with that brought forward by the Earl of Aberdeen; that measure was offered to the church, but the members of the church most consistently withstood its introduction. The members of the church had been accused of asking power for themselves—they had been accused, that, amidst all the agitation which had been moved, they had been actuated by feelings of ambition, such as we read of in the history of older times. If such had been the case—if such had been the desires of the Church of Scotland—how could they have obtained power more entire, more irresponsible, than that which was given to them by the act of the Earl of Aberdeen? They would have had the power, under that act, of compelling, in all cases of objection, the people to give their reasons for that rejection, of which reasons they were to be the sole judges. It would have vested in them the entire power of rejecting or accepting the presentee; but, actuated by no feelings of clerical ambition, they nobly rejected every measure which did not involve the principle of the settlement of the question, which did not involve the emanation of power from the people. They had, in his opinion, completely relieved themselves from all the accusations on this head which had been brought against them, and he was sincerely glad that he had this opportunity of justifying the church from the foul aspersions which had been cast upon it. They had sought no power - they sought none with reference to the institution of presentees—all that they required was, that they should judge that the man was fit for the office; but, above all, that he was fit for the locality to which he was to be sent. Let the institution be with the people, and of this he was sure, that there were events in the history of the Scotch Church which proved that, however the propriety of entrusting the people with this power might be questioned in other cases, the people of Scotland having been found worthy of the trust in former ages, they might with safety again place that power in their hands. He expressed this opinion as a Presbyterian and a Scotchman, in the firm persuasion and conviction that religion was the best bulwark of a country, and that in this particular instance the institutions of Scotland would not, by the measure proposed, be in any way assailed. He thanked the House for the patience with which the observations which he had thought it his duty to make had been received. He had endeavoured to state this case without mixing up in it anything like party considerations, without making any assault whatever upon any political question. He had endeavoured to treat it as a matter connected only with a consideration of the constitution of the country, and with the principles and opinions of the people amongst whom it was agitated; and he must say, that if there was ever a question which involved the feelings of hon. Members on both sides of the House, this was it. It recommended itself to gentlemen of Conservative principles, by bearing on it the stamp of those ancient institutions which it was their pride and their boast to uphold. To hon. Gentleman on that side of the House, the case recommended itself as being founded on the very existence of the liberty of the people, for they would find that throughout the history of the country, whenever the Presbyterian Church flourished, the liberties of the people then flourished too. He trusted, therefore, that both sides of the House would embark with cordiality upon the consideration of the question—involving, as it did, principles of the greatest importance. He trusted that the House would consent to go into Committee, wherein, upon the principles which he had stated, he should bring forward definite propositions, and take measures towards procuring the settlement of this question—a question which, if allowed to find its own settlement in the way which was now threatened, would, perhaps, not only give rise to events not to the advantage of true religion, but would give a shock to the institutions of the country, which it was most desirable to avoid. He moved:—

"That this House will immediately resolve itself into a Committee, to take into consideration the petition of the Commission of the General Assembly of the Church of Scotland, and the matters therein contained."

Sir *J. Graham:* Sir, I am quite sure that the House, as well as the right hon. Gentleman who has just spoken, will acquit me of being actuated, in the slightest degree, by anything approaching to a controversial spirit. I will endeavour to imitate the calm and dispassionate manner in which the right hon. Gentleman has discussed this great question; and I can assure the right hon. Gentleman, and the House, that I participate with him in feeling all the importance of this question in its intimate connection with the happiness and peace of Scotland at this juncture. I have not the same advantage of an intimate acquaintance — a long and hereditary acquaintance with the people of that country—enjoyed by the right hon. Gentleman, but I do know the character of that people; I have studied their history, and I admire their virtues; and I entirely concur in the language of a work by the hon. Member for Newcastle-under-Lyne, which has been quoted by the hon. Gentleman who preceded me, and which I think does justice to the character of that gallant and independent nation. I am perfectly aware that there are no questions which excite their feelings in the same degree as those which are connected with their national Church. It is the honour and boast of the nation that in coming to the settlement by which they were united to the Crown of England, they preserved, by treating with England upon independent terms, that national Church as a mark of their independence and of the perseverance with which they resisted the dominant power of England, until they could secure to themselves the establishment of their free religion; upon which consideration alone they could be induced to consent to the Union. I think, therefore, that in discussing this question in the British Parliament, we are bound to regard it with peculiar care; we must look at it not with English feelings, nor with the prejudices of Englishmen, but we are bound to regard it upon the principles of the Union, and to try and settle the question upon Presbyterian principles, as established by the Act of 1690—the Act of Union—and subsequent statutes. I must begin with stating to the House that, so far from having willingly embarked in this controversy with the Church of Scotland, I, upon the part of the Government, studiously avoided it to the last moment. If the House will bear with me I should wish to refer them to the letter which I addressed to the Marquess of Bute, the Queen's Commissioner, with reference to the declaration and protest anent the encroachments of the Court of Session on the spiritual jurisdiction of the Church; and they will find that I did endeavour studiously to avoid entering upon a controversy of this description, which I feared must add to the bitterness which existed, and might not in any way alleviate those angry feelings which I wished to assuage. The Government persevered in that silence until they found it necessary to depart from it. The Commission of the General Assembly, and the General Assembly spoke through that Commission, remonstrated against the perseverance in that silence on the part of the Government, and their remonstrance was so direct that the Government felt compelled to give a distinct and definite answer. The passage to which I refer in the memorial of the Commission of the General Assembly is as follows:—

"That the claim common to all her Majesty's subjects, to have an application for redress of grievances, and an answer accorded to it, appears to your memorialists to be, at all events, not less strong where the body complaining is of such a character and constitutional standing as the Church of Scotland, and where her claims are vested on the fundamental statutes of the realm, and national treaty, and the granting or refusing redress involving such momentous consequences, and that even for the guidance of her conduct, the Church is entitled to know whether the Government of the country are to rest upon the views of the constitution of the Church now acted upon by the courts of law, or are willing to adopt measures for securing her in the possession of those privileges which she considers to belong to her under that constitution."

This was so determined an appeal to the Government for a distinct answer to the memorial, that consistently with the respect due to the church they could no longer avoid entering into the controversy, however adverse to their views, or whatever risk was run of engaging in a conflict which they had so long sought to avoid; and in my answer I stated the extreme reluctance which I felt at being compelled to reply; but a refusal to answer after such a demand might be considered disrespectful, and inconsistent with the relations which her Majesty was most anxious to maintain with the Church of Scotland. I must say that I heard with deep regret the right hon. Gentleman express an opinion that the general tone and character of the answer I gave to the General Assembly had disappointed their expectations, and that the right hon. Gentleman saw ground to find fault, if not with the language, at least with the spirit of that answer. I can declare most solemnly that it was my most earnest and sincere desire to avoid in that answer to the utmost degree, consistently with the maintenance of truth and my own candid opinion, any sentiments which could give cause of offence to that venerable Assembly. I may not have succeeded in that object, but the House will give me credit for candour and for the sincerity of my wishes. I will endeavour upon this occasion to speak exactly in the same spirit which I then sought to exhibit. It is impossible for me not to regard that national institution—the Church of Scotland—as one of the most valuable that exists in the United Kingdom. I have repeatedly stated to the House that I do not believe there is in Christendom any church that has done greater good at less cost to the community than the Church of Scotland. The right hon. Gentleman spoke of the misrepresentations that are afloat upon this controversy. It is quite natural there should be misrepresentations on both sides. I most solemnly disclaim on the part of her Majesty's Government, the slightest, the most remote wish to subvert or change the Presbyterian discipline established by law in Scotland. I am quite satisfied that no Church could ever be more congenial to the feelings of the great body of the people than the Church of Scotland. I believe that her parochial ministers, in connection with her parochial schools, have a hold on the affections of the people. I believe that so far from abusing their power, they have exerted it to the best possible purpose; and I am quite satisfied that the character of the people, their industry, their love of order, their admirable sense, their moral conduct, their religious feelings, are in a great measure, under the blessing of Providence, to be ascribed to that national institution. I am, therefore, actuated by any thing but hostile feelings towards the Presbyterian Church. I speak with a warmth and sincerity which is incapable of dissimulation when I say that nothing in my public life has grieved me so much as this unhappy dispute. I think it more peculiarly unfortunate on this ground, that it arose precisely at a moment when the influence of this Church was extending itself —its usefulness was fully approved, and when it shone with the purest and brightest light. I do not believe that at any period of its history it had so complete a command over the people of Scotland, or was ever more firmly fixed in their affections than when this unhappy controversy arose. Having said thus much with regard to the institution itself, and its useful character, the House will, I trust, bear with me when I say, that I think the dominant party in that Church deeply responsible, whatever may be the issue of this sad controversy, for the part they have taken in the proceedings that led to it. It has occurred to me, and it is impossible to doubt it, that the peculiar character of the people of Scotland, their attachment to their religious institutions, and everything connected with their religion, has rendered it a most difficult question to adjust. I feel the great importance of this crisis, which, it is said in the memorial of the Assembly, will lead to a disruption in the present Established Church of Scotland. I see all the importance of those considerations, but I tell the House that they are secondary, in my opinion, compared with the effect which this controversy produces on the social interests of the country. Englishmen can hardly understand it; but I know that at the present moment this great question of schism in the Church of Scotland is tearing society to pieces, and rending the very heart and vitals of the country—it is dividing families, setting father against son, and mother against daughter, and this controversy, pushed to its utmost extent, will have the most fatal, demoralizing effect—fatal, no less to the State than to the happiness and domestic peace of this unfortunate country. How melancholy! that this Christian religion, which was ushered to Earth as bringing the glad tidings of peace and good-will to man, should, by the passions of mankind, be made, as it were, the root of bitterness, hatred, and controversy, and should bear engrafted on it all the worst passions of our sinful nature! As a Minister my power is but small; as an individual it is still less; but were it possible, on any terms, which I did not believe in my conscience would lead to still greater evil, to arrange this controversy, there is no exertion which I would not make to arrive at so happy a settlement of this most lamentable dispute. I have thus ventured to speak of my private and individual feelings in this matter. It is now my duty to recur to it in a shape in which it is more immediately presented to us as a great legislative and political question. The right hon. Gentleman has stated, that in my letter to the moderator of the General Assembly, there is, as the right hon. Gentleman terms it, a misrepresentation. I am anxious to discuss this point in the most frank spirit with the right hon. Gentleman. The right hon. Gentleman said, that I charged the General Assembly with claiming that they alone were competent to decide in disputes that might arise in cases of a mixed civil and spiritual character—with claiming to decide exclusively what was spiritual and what was civil. I wish, with the permission of the House, very shortly to advert to the evidence, which I think sustains my proposition, that they do claim, in disputed cases, the exclusive right of determining what is civil and what spiritual. In the first instance, I will cite the passage from the memorial, which is not the act of the Church, because it did not emanate from the General Assembly, but from the convocation, which, however, I believe, contains in itself the voice of the majority of the General Assembly; for, as stated by the right hon. Gentleman, that convocation in Edinburgh is, in great part, the same majority which rules the Assembly; and I beg the House to listen to this passage. It is at page 17 of the memorial of the Convocation to her Majesty's Government, dated the 17th of November:—

"That the General Assembly, in the said claim further represented and solemnly declared their conviction, 'that the government and discipline of Christ's Church cannot be carried on, according to his laws and the constitution of his Church, subject to the exercise by any secular tribunal of such power as has been assumed by the said Court of Session;' and in their address above-mentioned, solemnly assured her Majesty, that they could not, in accordance with the dictates of their conscience, and their views of the word of God, submit to the coercion attempted over them in the exercise of their spiritual functions by the said court, and must refuse to do so, even at the hazard of the loss of the temporal advantages they at present enjoy."

It is impossible that any language can be more explicit than this as to co-ordinate jurisdiction, for which the right hon. Gentleman contends. It is plainly stated, that if in any matter which partakes partly of a spiritual character and partly of a civil character, the civil courts should interfere in any degree, at once, by that interference the whole spiritual liberty of the Church is prostrated beneath the supremacy of the civil courts. This, it is true, did not come directly from the General Assembly, but I will cite two passages which proceed directly from that body, because they are contained in the claim of right presented to her Majesty. At the conclusion of the enumeration of the judgments passed by the civil courts, all of which, as I contend, are founded upon the judgment in the Auchterarder case, and are natural consequences of that judgment, and arise from a pertinacious adherence to the Veto Act, which has been declared to be illegal, the Commission of the General Assembly makes this assertion:—

"By all which acts, the said Court of Session, apparently not adverting to the oath taken by the Sovereign from whom they hold their commissions, have exercised powers not conferred upon them by the Constitution, but by it excluded from the province of any secular tribunal, have invaded the jurisdiction of the courts of the Church, have subverted its government, have illegally attempted to coerce Church courts in the exercise of their purely spiritual functions, have usurped the 'power of the keys,' have wrongfully acclaimed, as the subjects of their civil jurisdiction, to be regulated by their decrees, ordination of laymen to the office of the holy ministry, admission to the cure of souls, church censures, the preaching of the word, and the administration of the sacraments; and have employed the means entrusted to them for enforcing submission to their lawful authority in compelling submission to that which they have usurped—in opposition to the doctrine of God's word set forth in the Confession of Faith, as ratified by statute, in violation of the Constitution, in breach of the Treaty of Union, and in disregard of divers express enactments of the Legislature."

Now this cannot be stated to be anything less than the assumption of the right, not only to interpret statutes, but to make laws, and to uphold them in defiance of the civil tribunals. But if any doubt should remain, this matter is rendered still more clear by a subsequent passage in the same paper, where the House will see what is the protest made by the General Assembly:—

"And they protest, that all and whatsoever acts of the Parliament of Great Britain, passed without the consent of this Church and nation, in alteration of, or derogation to the aforesaid government, discipline, right, and privileges of this Church (which were not allowed to be treated of by the commissioners for settling the terms of the union between the two kingdoms, but were secured by antecedent stipulation, provided to be inserted, and inserted in the treaty of union, as an unalterable and fundamental condition thereof, and so reserved from the cognizance and power of the federal Legislature created by the said treaty)—as also all and whatsoever sentences of courts in contravention of the same government, discipline, right, and privileges, are and shall be, in themselves, void and null, and of no legal force or effect."

Can there be a doubt, as to the meaning of these passages, taken in conjunction with each other? First, they say, that any interference of courts of law upon questions where spiritual rights are concerned, though involving civil rights, would prostrate spiritual liberty. And then, when we come to the protest, they declare whatever act of Parliament passed without the consent of the Church and the nation, shall be null and of no effect. I think the case, as it stands upon those documents, sufficiently clear; and, I think, that to such claims and to such a protest consistently with constitutional rights, liberty, and the maintenance of the law, no concession should be made. I confess that I was anxious to hear what were the precise claims of the Church as stated by the right hon. Gentleman, and I think I am accurate in saying, that the claims he has put forth this evening, though somewhat different in phraseology, are, in spirit and effect, identically the same as those which I have stated. The right hon.

Gentleman stated the claims to be, that within their own sphere the Church courts should decide when any matter was brought before them, whether it is spiritual or not. I took down the words of the right hon. Gentleman, and I think I have given an accurate description of the claims which he, as their advocate, has put forward. Allow me to ask what is the sphere within which that power is to be exercised? It is indispensably necessary that the sphere should be defined. If not, I ask, in a country where law is to prevail, and the caprice of a body independent of the law is to be tolerated, how are we to arrive at a knowledge of the sphere within which that power is to be exercised? And if a dispute should arise as to those limits, who is to determine it? The right hon. Gentleman said, that the claim of independence on the part of the Church of Scotland is irresistible; and I by no means deny that, in a certain sense, the independence of the Church of Scotland is secured by statute and by treaty—in a treaty concluded in the most solemn manner in which two countries could enter into any compact, it was agreed that a formal alliance should be contracted in certain particulars, as necessary for the independence of Scotland. It was not termed the Church of Christ as existing in Scotland, but the Presbyterian Church of Scotland as established by the State. And what were the terms on which this Church was established? Such was the caution of the statesmen who framed the act of union with Scotland, that they did not leave to the Church of Scotland the power of changing or modifying the tenets of that Church from time to time; but when they adopted that Church and formed an alliance with it, they came to a solemn compact with respect to that which was spiritual, and took the precaution of embodying in the act of union the confession of faith at length; thereby binding the Church of Scotland, even with respect to spirituals. It is true, as has been urged, that the Church is not the creature of the State, but still the state employs the Church on certain terms, as the religious instructor of the people of Scotland. What then was the compact entered into at the time of the Union? In the first place, that the confession of faith should not be changed; and the second branch was, that while the Church should continue to be the instructor of the people of Scotland in that faith, so fixed by act of Parliament, it should enjoy certain specific advantages. I conceive the compact to be distinct and clear; and in the sense upon which the Church of Scotland now contends for independence, I deny, with respect to spirituals, that she is at liberty to depart to the right or to the left from the confession of faith, as embodied in the act of Union; and, on the other hand, the authority of deciding upon questions arising out of the interpretation of the statutes must rest, I contend, with the Supreme civil Tribunal. After all, this is the turning point of the whole matter—all the rest is the mere fringe of the case. The real question is this—when a dispute arises between jurisdictions which are co-ordinate and co-extensive, who shall decide in the last resort? The right hon. Gentleman adopted the limitation which has recently been put forward and absolutely denied the exclusive jurisdiction of the Church courts; but he set up a claim which is equally untenable, namely, that they possess co-ordinate jurisdiction. A case may be supposed of courts thus possessing equal power, and right, and jurisdiction for the interpretation of the same statute, putting a different interpretation on it. This is no imaginary case, because it is the very case of which I am now speaking. I do not wish to pursue this point further than is necessary to make it clear; and I must say again, that the real question to be decided is in whom, in case of disagreement between the two jurisdictions, is the power of the last resort to be vested? There have been several fanciful illustrations of the subject. I find them recorded in the answer of the General Assembly to my letter. In it they talk of different great branches of jurisdiction, belonging to supreme tribunals, independent of each other. They talk of a court having authority in fiscal matters, and that those matters had to be determined in the Court of Exchequer; that criminal courts are the courts of justiciary and the civil courts, the courts of session. I do not deny that there is a regulated sub-division of judicial power in the way described; but this is all done by the State, and by statute for specific objects. The fact is, there is a delegation for certain purposes of the entire jurisdiction of the State to different bodies in different descriptions of cases. In each of these cases there is a limitation as to the extent and province of the jurisdiction. So I contend, that there is a limitation to the power of the Church in the statute, which established and regulated that Church. But to return to the point at issue. A dispute has arisen upon the interpretation of the statute of Anne as applied to the question, whether a qualified minister should be taken on trial or not. The Auchterarder Presbytery adopted the interpretation which the Church courts attached to this question, and refused to licence the presentee. The Strathbogie Presbytery took the minister on trial in conformity with the order of the civil court; and although the assembly have put their veto on the proceeding, the Strathbogie Presbytery complies with the order of the civil court and disregards the veto of the Church courts. On the other hand the Auchterarder Presbytery disregarded the mandates of the civil court, and at once rejected the minister presented to them. The civil court said, that it was bound to admit him to trial, but the Church courts said, that they were bound not to admit him, and declared that they never would admit the presentee against whom the veto had been issued. The question then turns upon the point, which is right and who is to decide? I am convinced that in this country it would be a matter of great inconvenience if direct legislation should be adopted in every case in which there may be any contest respecting disputed jurisdiction. Such a course of proceeding, I think, would be most mischievous and dangerous. Nothing could render matters more unstable than for the legislature to interfere in every individual case of dispute or difficulty. As a general maxim of law no right can be given to any man or body of men, which cannot be vindicated by a plea either in equity or law. By whom then can this plea be interpreted, unless by the civil tribunals? The right hon. Gentleman says, that the Church of Scotland will not be bound by the dictum of the Court of Session. I admit that the Church of Scotland is not bound by the dictum of the civil courts, for in every case of dispute there is an appeal to the highest tribunal of jurisdiction in this country—I mean the House of Lords. I contend that the jurisdiction of the chief court of appeal in this country is fixed and established. In this appeal of last resort the decision of the House of Lords is final and conclusive. In this case the assembly have appealed twice to the House of Lords—I might use the term, have submitted to its jurisdiction. When the assembly felt itself aggrieved by the decision of the court below, it appealed to the House of Lords; and when that tribunal gave judgment in the case, the assembly refused to abide by it. The result then is, that all the difficulties in which the Church is placed, have arisen from its refusal to abide by the law of the land as laid down by the highest tribunal in the country. The right hon. Gentleman relied on the judgment, on this subject, of certain persons of the greatest intelligence and of the highest authority, connected with the Church of Scotland. Now, I cannot help referring, on the same point that was alluded to by the right hon. Gentleman, to the judgment of a man of the greatest virtue and excellence, and learning; who is one of the highest ornaments of the judgment seat, and warmly attached to the liberties of his country. I allude to the opinion given by Lord Gillies in the Auchterarder case. The question, observe, is whether the Church under the guise of Ecclesiastical authority does not assume to itself jurisdiction in civil matters. Now attend to the judgment of Lord Gillies on this point. He says, expressly; I quote his words:—

> "The reasoning is this: The general assembly can legislate in matters Ecclesiastical. Any thing which has been the subject of a resolution in the General Assembly is or becomes a matter Ecclesiastical. Therefore the General Assembly can legislate in that matter. They do not, indeed, say that their resolutions can convert a civil matter into an Ecclesiastical one; but they do say, that a fundamental law of the Church may be established by resolutions of the Assembly, and that this being done, the Assembly thence and therefore, acquires, or possesses, a power to make any law necessary for carrying into effect such a principle."

I cannot rely upon a higher authority than the principles laid down in the latter part of the address of this learned judge; and the inevitable conclusion is, that the General Assembly set forward claims which are not only dangerous to civil liberty, but which it is impossible to maintain by sound argument. The right hon. Gentleman laboured extremely to prove, that in ecclesiastical matters, the Church should exercise jurisdiction. No one disputes this right. The Church of Scotland has hitherto exercised, and may continue to exercise jurisdiction in ecclesiastical matters as long as it pleases.

But then the whole point turns upon the question, what are ecclesiastical and what are civil matters? The right hon. Gentleman has referred to the non-intrusion principle, and said, that that principle has really always been recognised in Scotland. I am far from denying, that the feelings of the Presbyterian people, are in favour of this claim, but I deny, that at any period, except for a short time in 1649, and shortly after the Restoration, about 1662, the people of Scotland have been entitled, except on cause shown, to object to the presentee, whom the patron or Kirk Session might nominate. On this point, I can cite the highest judicial opinion, and one which I believe will not be questioned in this House. Lord Corehouse, a judge of the highest reputation, and of the most profound learning and attainments, gave a decided opinion on this particular portion of the matter at issue. His Lordship said:—

> "From the Reformation to the date of the Veto Act in 1834, I can discover no trace of authority for the doctrine that the dissent of the congregation or of any part without reason assigned, of which the Presbytery could judge, was sufficient for the rejection of a presentee, whatever might be his qualifications; and I consider this Veto Act an unwarrantable innovation. It is true that the congregation is always to be consulted, and nobody is to be intruded upon them, provided their objection is founded upon good reasons."

On the part of her Majesty's Government, I have never denied this. In my letter I put upon record the opinions of her Majesty's Government, with regard to the strict Presbyterian rule which governs this matter. I have never denied, that after the presentee had been taken on trial, it was competent for the people to make their objections when the Presbytery met to moderate in the call. Those objections must be stated fully, fairly, and without reserve. It is then the duty of the Presbytery, acting judicially, to hear the reasons for those objections—to sift the motives upon which they are urged—to adjudicate upon them, and to determine, according to the words of the statute, whether the objections be founded on "causeless prejudice or not." Is, then, a declaratory law necessary or not? I must be permitted to say, that after the most careful revision of the judgments that have been given in the Auchterarder case, and after the best consideration that I could give to the subject, I have not been able to find a single dictum of any judge which could induce me to question the opinion I have already given in the letter addressed by me to the moderator, on the matter of law as regulating the judicial power of Presbyteries, before the act of admission to a benefice is complete. My belief is, that by the law of Scotland, as it now stands, co-existent with the right of the patron to present, is the right of the people to object, and it is the paramount duty of the Church court to decide upon the objections, be they what they may; and I do not find any trace or indication on the part of any of the Scotch judges, that the solemn judgment of the Church court with reference to objections, such as, that the presentee was not well qualified, fit, or acceptable, would be set aside by the civil courts. The right hon. Gentleman spoke of a declaratory act to settle this question. The right hon. Gentleman said he was influenced in suggesting this by a passage in the memorial of the General Assembly which he read to the House. Now, considering the spirit which has been manifested by the General Assembly, I do not believe that any declaratory act of the kind would be satisfactory to them, because that body has declared, that any act of Parliament on the subject, passed without the consent of the Church would not be obeyed by them; nay more, that it would be "null and void." With an anxious desire to settle this question, I confess, that I almost despair of doing so by legislative means, after what has taken place. It appears, that it is now rather convenient to say, that the abolition of patronage is a secondary consideration. The grounds of objection which had been urged against patronage were the same as those contained in the protest which proceeded from the General Assembly, and I had no reason to believe, until I received the answer to my letter from the General Assembly, that it had abated in the slightest degree from its former demands for the abolition of patronage. But, supposing the right of lay patronage were abolished, the difficulty would not be got rid of. The right hon. Gentleman says, that this is not a vested right; but I remember that in a former Session, the right hon. Gentleman said, that the right of presentation should be bought up, as it constituted a valuable property. No doubt, that the right of presentation can be bought and sold in the market, and, therefore, it may be regarded as any other marketable property. It is impossible, therefore, that this property could be taken without compensation being made to the owners. But if this were done by statute, and you abolished the patronage belonging both to the Crown and lay proprietors, and determined to carry out the principle which, it is said, was embodied in the act of 1690, and gave the right to the people to elect their ministers, you would not escape from the difficulty. You would pass an act and say that the right of patronage for the future rested in the people; but it is quite clear that the same difficulty as at present would exist; for the nomination of the then patrons, though a popular body, might be set at nought by the Presbytery. I should like to know how the difficulty is got over, if a person elected by the popular voice were rejected in this way. I should like to know how we should escape from such contests as, unhappily, have recently occurred, by the mere abolition of patronage. When the presentee is found to be qualified, and when he has been elected by the popular voice, he becomes possessed of civil rights connected with the parish. He becomes possessed of the right to a stipend, and at the same time, the right to be put in possession of the manse. Now, suppose, that under some new veto law adopted by ecclesiastical authority, the Presbytery or Assembly refused to induct this presentee who had been elected by the majority. I ask, how, under the co-ordinate jurisdiction now claimed, is this new right to be determined? How is the presentee to proceed unless by endeavouring to seek a civil remedy in a court of law? I am sure, that the more the matter is debated, the clearer will it become that the interference of the Church with civil rights in defiance of the decision of the courts of law, and of the highest court of appeal, is as untenable in argument as it is contrary to every constitutional doctrine. The right hon. Gentleman complained, that her Majesty's Government had not legislated on the subject. I admit, that the right hon. Gentleman did not do so in terms of censure, but still he complained that the Government had not proposed any measure to the Legislature The right hon. Gentleman said, he thought it would be better that any proposition on this matter should originate with the Executive Government, and that it should be responsible for the proceeding. As long as my colleagues and I entertained a hope, by a declaratory enactment, to remove doubts as to the limits and powers of the Church courts to reject presentees, and after it was hoped that the judgment of the House of Lords in the appeal on the Auchterarder case would remove some of the difficulties—while there was such a hope, her Majesty's Government were not indisposed to propose some legislative enactment. Even so lately as on the eve of the meeting of the last General Assembly it was not unwilling to bring forward a measure for this purpose; but after the General Assembly had passed the Address to her Majesty, and after the claim, declaration, and protest of the General Assembly, it became obvious to the Government that no such measure as it could consent to propose or sanction, would give contentment to the Church or the General Assembly in Scotland. The General Assembly asked the House to legislate on the matter. Now, I cannot understand the precise nature of the legislation which is required by that body. I listened with great attention to the speech of the right hon. Gentleman with the view of learning what kind of legislation would be satisfactory to the General Assembly. And here I would observe, that in point of form I could have objected to the present proceedings, as it is necessary that all matters touching religion should originate in a committee of the whole House; but I was anxious, if possible, to learn what was the nature of the legislation that was really desired by the Church. In the absence of the right hon. Gentleman a short time since, I asked the hon. Member for Leith whether he could inform me, if the House went into committee, what would be the nature of the measure which was to be proposed; but I did not obtain any satisfactory answer, nor have I been able to satisfy my mind on this essential point from the speech of the right hon. Gentleman. With reference to the abolition of patronage, it is impossible for any Member to introduce any bill on the subject, without the assent of the Crown being first stated to the House, as the rights of the Crown are deeply involved in the question; and entertaining the opinion which I do, it is impossible on my part to give my assent to such a measure. The right hon. Gentleman said, that this and the other acts which he referred to had been passed purely for political purposes. Now, it is perfectly well known that when the Act of 1690 passed, which recognised Presbyterian Church Government in Scotland, the commissioner of King William had assented to the abolition of patronage. It was said that Melville, by conceding this point, lost the confidence of King William and was never restored to it, as it appeared that that sovereign attached the greatest importance to the retention of patronage. It is true that the Tory Government in the reign of Anne passed the act to which the right hon. Gentleman referred; but three years afterwards the house of Hanover came to the Throne. The Tory Government was removed and the Whig Government was restored, but no attempt was made to rescind that act. I believe that Dalrymple, who was most strongly opposed to patronage, became the Lord Advocate under the Whig Government; but he made no attempt to get rid of that act. Indeed there is not the slightest intimation or notice on the journals of Parliament of any step having been taken on the subject. This matter appears to have been allowed to remain at rest in Parliament and even in the Assembly there was only an annual protest against it, which protest was discontinued in 1784. For more than half a century after this the law of Scotland on this subject was obeyed without dispute or resistance, and the right of patronage was exercised with perfect confidence. In 1834 the question arose which led to the present unhappy conjuncture as regards the Church of Scotland. About that time a most able and learned judge—I mean Lord Moncrieff—declared in his evidence before a committee of the House of Commons, just before the Veto Act was brought forward, that he believed that of late years patronage had been exercised much more carefully than theretofore, and not only were the true interests of the people regarded, but care was taken that persons were appointed who were likely to be acceptable to them as ministers; but, at the same time, there was no denying that the force of public opinion acted much stronger than formerly as a check on the undue exercise of the right of patronage. I would ask whether this does not shew that any abuses which might formerly have existed, regarding patronage, have practically ceased? For my own part, after the best consideration that I can give to the question, I am of opinion that the maintenance of patronage is necessary, and, as a Member of the Government, I cannot, on the part of the Crown, assent to any enactment intended to abolish the right. If, however, the right hon. Gentleman had been prepared to move resolutions and had announced his intention to do so in committee, and had stated the principles on which he intended to legislate, I should not have insisted on any objection in point of form; but after the speech of the right hon. Gentleman, seeing that the time has arrived when the opinion of the Legislature should be pronounced with respect to these pretensions of the Church of Scotland, and that it is desirable that all suspense on this matter should be removed, I think, on the whole, that I shall best consult my duty by resisting the motion. The Government is anxious to leave to the constituted authorities of the Church of Scotland the most undisputed and free exercise of its power as fixed and settled and ascertained by the law of Parliament. I do not believe a declaration of the law relating to the Church of Scotland to be necessary, and, as far as her Majesty's Government is concerned, and as I am at present advised, I do not think any measure which we could propose would be satisfactory. These pretensions of the Church of Scotland, as they now stand, of a co-ordinate jurisdiction, and the demand that the Government should by law recognise the right of the Church to determine, in doubtful cases, what is spiritual and what is civil, and thereby to adjudicate on matters involving rights of property, appear to me to rest on expectations and views so unjust and unreasonable, that the sooner they are extinguished the better. It cannot be supposed that any Government shall maintain in the statute book a law for the settlement of ministers in parishes, and allow the Church to make another law in direct opposition to it, and for the avowed purpose of defeating its provisions. Such a supposition can never be realised except in a country where law, order, equity, and common sense have ceased to reign.

Mr. *Rutherford* was understood to say, that it was with reluctance he trespassed upon the House, and nothing but a strong sense of duty should induce him to address it. He was deeply impressed with a sense of the difficulty of the question, and he considered that the question itself, and the principles on which it must necessarily be decided, related mainly to the law of Scotland, and to the principles of the Scottish constitution as laid down by Scottish statutes; law and principles very different in themselves, and in their application, from those with which Gentlemen, familiar only with English laws and the English constitution, were acquainted. There was one point in which he entirely agreed with the right hon. Baronet, namely, that it was impossible for the House to address itself to the consideration of this question in too calm and temperate a manner. Something might be gained if the matter were deliberated upon in a calm and conciliatory spirit; but certainly nothing but evil would result from allowing anything like acrimony or party spirit to be introduced into the discussion. He trusted he should be found to follow out the example so well set him in this respect by the right hon. Gentleman who had preceded him. He felt no difficulty as to the ground on which the contest itself stood. He considered, that the House had nothing to do with certain terms which had been made so much use of in the newspapers and elsewhere; he, for his part, should not even refer to the sacred matters which had been introduced; they were engaged simply in the consideration of a constitutional question—one of very great magnitude, no doubt, involving interests of a most complicated and important nature, but which must be considered altogether, with reference to the constitution, to the law of Scotland, in its letter and its spirit. In the first place, he would say this—the right hon. Baronet might regard it as a concession, he thought it none; he asked nothing for the Church of Scotland, he made no claim, he set up no pretension on its part, which, after due consideration of the constitution of Scotland, and of the statute law concerning the subject, should not be found justly to belong to that Church. But on considering what were the pretensions and the claims of that Church, he must premise that he quite agreed with the right hon. Gentleman near him in thinking, that they had some right to complain of the representations which had been made on that subject in the letter of the right hon. Baronet. He thought, that if the right hon. Baronet, instead of reading a certain passage from a memorial which was not a memorial of the General Assembly of the Church of Scotland—instead of reading one particular passage—which passage, moreover, the right hon. Gentleman did not read in full—had turned his attention to the full explanatory statement which had been made by the special commission of the General Assembly in answer to the right hon. Baronet's letter, he would have been able to have put the House in possession of a more fair and more satisfactory statement of what really were the claims of the Scottish Church, than the right hon. Baronet had brought before the House. That these claims might, at first sight, appear to English Gentlemen of somewhat an extraordinary nature was not improbable; that the claims made by the Scottish Church, as to its peculiar judicature in that country, might be very different from any claims which could be made in this country by the Established Church, or might not, must not surprise hon. Gentlemen; but this was not the question at issue: nor must they judge the Scotch Church by the rights of the English Church. It was not the wisdom of the right hon. Baronet, or the wisdom of the present Parliament, or of that House, which was to settle the question as to its existing bearings. The question was, what was, in point of fact, the constitution of the Church of Scotland, as given to that Church by various statutes towards the end of the sixteenth and in the course of the seventeenth centuries. The expediency of what had been done was not the question. The question was, what had been done, and what was the actual state of the case? In Scotland there were no fewer than four jurisdictions, not adjudicating the same matters, adjudicating altogether different subjects; co-ordinate in that way, and to that extent, all of them being independent of each other, none of them in any degree submitting to the other, each of them being responsible to the State, for the exercise of its jurisdiction within its own province, but none of them being in the slightest degree subject to the control for anything done within its province to the other judicatories. He had observed the right hon. Baronet smile when he spoke of these different judicatories not adjudicating on the same matter, but such was simply the fact. The subject matter of the jurisdiction of these various tribunals were in general well known and clearly defined, but not more distinct or better defined, than was the difference between what was ecclesiastical or spiritual—what was civil and what was criminal. There were questions, of course, which arising, say before a criminal court, ran on the verge of the distinction between what was a civil and what a criminal matter; and the cases might be such that even the best informed lawyer might find it very difficult to decide whether the subject matter was of a criminal nature, and as such ought to come before a criminal court only; or whether it was of a civil nature, and as such cognisable only by a civil court; but there were extreme cases in which a doubt arose as to which of the four jurisdictions was entitled to the adjudication. The point, so far, was whether or no the system was fairly useful and sufficient, for ordinary cases, and he had no hesitation in saying, that it was. At all events, it was clear, that the Church of Scotland had maintained the power, and the right to exercise that jurisdiction which she now claimed, for a very long period of time, dating back to the sixteenth century; that the other courts had never, till within the last few years, sought to interfere with the power of the Church in her spiritual management; that this system had worked harmoniously, without difficulty, the wheels going on in the smoothest possible manner, with the exception of one or two slight and accidental occurrences, there having been in no instance any general obstruction created till within the last few years. The question before the House was simply whether they should go into committee to consider the petition which had been laid before them; and whether they went into committee or not, the real question remained—whether the subject matter of this petition did not call in a most imperative manner for the consideration of the House. If the right hon. Baronet opposite thought that the course which had been pointed out was not such as ought to be supported, the right hon. Baronet should at least point out some other remedy; for assuredly neither the Government nor the House would be relieved from the responsibility of refusing to consider this deeply important subject by the off-hand manner in which the right hon. Baronet declared that the proposition made being altogether unsatisfactory, the best way was simply for Parliament to adhere to the answer which Government had already given to the General Assembly. That was not the usual course pursued towards an important and constitutional body of men, coming before the House with a petition of this description. That petition was drawn up by the special commission of the General Assembly of the Church of Scotland—a commission admitted on all hands to be the legal organ of that Church, and the only parties who could speak in behalf of that Church. And this was what they complained of: they complained of certain decisions pronounced by the courts of law in Scotland; not of one or two decisions, merely affecting particular patrimonial interests, but of a long course of judgments; and he should have occasion before he sat down, not to go into details, but to let the House see what was the state of confusion worse confounded to which matters had come, in consequence of these judicial invasions of the constitution of the Church as settled by statute. It was impossible to shut their eyes to the really dangerous position in which matters now stood in Scotland; and what he said and should say was with no idea of menace, but with the view of bringing strongly before the House the propriety, and even the absolute necessity, of listening to the representations of the Assembly, and then if the right hon. Baronet did not approve of the proposition which would be made by the right hon. Gentleman near him, the right hon. Baronet could propose some other remedy. Certain it was, that for the prayer of the petitioners to be refused, more especially on the principle stated by the right hon. Baronet, would produce the most deplorable results. A schism would almost inevitably be created in Scotland which would never be cured—which would shake the respectability—which would destroy the utility, perhaps the very existence of that Church, and lead to consequences far beyond any that might now be anticipated. Let it not be imagined that the courts of law were coming out of this conflict with honour. He was sure he should always speak with respect of those tribunals before whom he practised, and with high personal regard of the judicial dignitaries who presided over them; but he must make the House acquainted with one fact, which, perhaps, they were not aware of, but which formed a most important and vital part of the question. In consequence of the judicial decisions which had been made by the courts of law, interdicts, or, as they would be called in England, injunctions, had been pronounced in a multitude of cases, which subjected the parties to fine and imprisonment. These interdicts had not only not been enforced, but they had been treated by all parties with open disregard and contumely. They had been read in large assemblies, generally assemblies for public worship, and, having been read, were then torn into pieces, as a convincing and unequivocal mark of the utter contempt in which they were held by the persons against whom they had been issued; and the parties who had obtained the interdicts had not dared to have them enforced against the persons refusing to obey them. This had happened not once or twice, but in many cases. When he himself held the office of Lord Advocate, he was told that it was his duty to prosecute for such contempt as this, and the government to which he had belonged had been twitted in another place for not having undertaken such prosecutions. He had, however, conceived that it was not his duty to institute prosecutions in such cases, and he found his opinion corroborated by the conduct of his present successor in office, who, although these interdicts were now far more numerous than ever, and everywhere treated with utter contempt, had deemed it advisable to leave the consideration of the insulted tribunals to the parties who had obtained the interdicts not conceiving it necessary to step out of his way for the purpose of prosecuting those who resisted the interdicts. But it was to be observed that the contempt which was thus with impunity heaped upon these interdicts, had a most injurious effect in striking a serious blow at the character of the courts of justice, a consideration which he deemed to be one of great weight. It was undeniable, indeed, that anything which tended to bring the courts of law into disrepute was in the highest degree to be deprecated, and this afforded another strong reason why the petition of the special commission should be taken into consideration, with a view to a remedy. He had complained that the right hon. Baronet had not read the whole of the passage he had quoted, and the statement made by the special commission in answer to the right hon. Baronet's letter. Now, in page 25 of the papers before the House there were these passages:

"The special commission still more deeply regret that her Majesty's Government should have characterised the claims of the Church, in regard to her spiritual jurisdiction, as pretensions founded on the assumption that the courts of law 'have no power to determine whether matters brought before them are within the scope of their authority, if, in the opinion of the Church, these matters involve any spiritual considerations; that neither sentences of courts, nor decrees of the House of Lords, nor even acts of Parliament, shall be effectual, if they interfere with the rights and privileges of the Church, of which interference, and of which spiritual considerations, the Church itself is to be the exclusive judge.' The Church has been exposed to this erroneous representation of the nature of her claims from quarters whence it is no matter of surprise that such misconstruction should have proceeded. She scarcely could have expected it at the hands of her Majesty's Government. The special commission most confidently assert that the Church has never put forward such pretensions; on the contrary, she has uniformly disclaimed any such power of absolute and exclusive determination so as to bind other courts, or fetter them in any way in the regulation of their own conduct, according to their own conscientious conviction, in regard to the matters which they may have to decide. She has always maintained, and she has rested much of her case upon the plea, that all the several supreme courts of the kingdom to which respectively belong the adjudication of matters civil, of matters criminal, of matters fiscal, and of matters ecclesiastical, do each of them possess, as of right, and must of necessity exercise, the powers of determining for themselves respectively, and for the guidance of their own conduct, whether the matters brought before them, and the proceedings to be adopted thereon, be within the scope of their peculiar jurisdiction; but on the other hand, that no one of these courts can authoritatively impose its opinions on the others; deprive them of the free, unfettered exercise of their judicial judgment, for the regulation of their conduct in matters coming before them; or coerce them in a course of procedure in such matters not in accordance with their own conscientious convictions, but in accordance with the views of that particular court which seeks authoratatively to impose its interpretation of the law upon the others. . . . . The Church, has indeed, protested against all sentences of courts and Acts of the Parliament of Britain, 'in alteration of, or derogation to,' her rights and privileges, as settled at the Revolution, and secured by the treaty of Union. The ground of her protest is plain. When Scotland entered into a legislative union with England,—a nation whose voice in the united Parliament would be so overwhelming, and among whom a form of church government was established, in resisting the imposition of which the people of Scotland, for several generations, had endured so much suffering—she naturally took the utmost possible precaution to avoid the risk of injury to the privileges and government of the Church, the fruits of a struggle so long continued and severe. This matter, therefore, was not allowed even to be treated of by the commissioners for the Union, but by an antecedent stipulation (embodied in a statute of the Parliament of Scotland, which was verbatim inserted in the Acts of the Parliaments of both kingdoms agreeing to the treaty), it was declared to be an 'essential and fundamental condition' thereof, under the most solemn sanctions, that this settlement of the Church, with its government, discipline, right, and privileges, should be maintained inviolate, 'without alteration thereof, or derogation thereto, in any sort, for ever.' This matter was, therefore, excluded from the cognizance of the federal legislature, created by the treaty of union, and of course, from that of all its subordinate authorities; against any acts or sentences in derogation to the privileges and government so secured, the Church must continue to protest. But nevertheless she, as a kingdom not of this world, has no warrant to contend against the supreme power of the state in regard to its own functions, in relation to the establishment of the Church, however wrongfully she may deem them to be exercised; and therefore when the mind and will of the Legislature shall have been ascertained as to the conditions which they hold shall henceforth be deemed those of the establishment in Scotland, she will, doubtless, while protesting, bow to that power, and if she cannot fulfil the conditions, yield up the benefits and immunities therewith clogged."

The true position of the question, then, was this, and he begged to draw the attention of the House to the point; the true position of the question was this: the Church maintained—

"We have an independent jurisdiction, supreme in itself, not under the control of any other jurisdiction, but subject only to the control of Parliament; and that jurisdiction extends to and embraces all things spiritual. The Court of Session of Scotland is also a supreme tribunal, independent, not to be controlled within its own province, responsible only to the State; that jurisdiction extends only to things civil. There is another tribunal the Court of Justiciary, independent, and responsible to no other authority but the State; and the jurisdiction of that court is over matters criminal. We claim for ourselves that we shall retain this separate and independent right over things spiritual, subject to no control but that of the State."

He would avail himself for a moment of an important admission which had been made by the right hon. Baronet in his letter. The right hon. Baronet said:—

"The Church court alone can create the pastoral relation between the presentee and his parish; or dissolve it when it has been created."

It was admitted, then, that while these courts were exercising spiritual jurisdiction, they were not under the control of any other tribunal. It was admitted by the right hon. Baronet himself, that the matter under adjudicature in any case being ecclesiastical or spiritual, the jurisdiction of the Church courts within such their own province was complete, and not to be controlled by any other jurisdiction. The right hon. Baronet must continue to admit this, or no longer adhere to his letter. The Church was here discussing claims purely of a spiritual and ecclesiastical nature, not verging on disputed ground, not approaching a civil matter, as perhaps might be said of the Auchterarder patronage case. If the Church courts were even to commit a great injustice in treating an ecclesiastical or spiritual matter, if this befel within their own province they would still remain free from the control of any other tribunal, save the supreme power of Parliament. So, if the courts of justiciary, the criminal courts of Scotland, committed an injustice, however oppressive, yet still, if they kept within their own province, the wrong done could only be remedied by the state, and the same principle applied to the civil courts. But then came the question—a question, no doubt, attended with difficulties—how in such cases as the Auchterarder case, where the matter in dispute may approach to the nature of a mixed case, how shall we fix the line of demarcation, so as to decide at which court the case shall be tried, the civil court, or the Church court? In considering such a question, it was necessary to attend closely to the constitution of the different courts, and in the event of the question being undecided, the only course would be, that each court, explicating its own jurisdiction, should adjudge the case as far as it related to its particular province only, and proceed thereafter with the case to those effects, which lay within its own jurisdiction, leaving it to the other court to come to a decision upon the other branch of the case, and deal with it in its effects depending thereupon, even though the conclusion upon it might be a different one.

He did not mean to say that it was the height of political wisdom to frame a constitution in which there was no court superintending and overruling the rest, except the court of Parliament: but the question was this—the Church courts and the civil courts in Scotland, being by old established law, each supreme and independent of the other, what right had the judges of the civil Courts to overrule, and defy, and destroy the church courts. The House of Commons would not submit its privileges to the courts of law. Parliament of course, held its privileges by law, but it would not submit its privileges to a court of law. Parliament said, "We are the exclusive judges of the matter, and we will not allow the courts of law, as interpreters of the statutes, to tell us whether the privileges we claim are or are not privileges; and we will judge for ourselves, and not allow the courts of law to interfere at all in the matter." And the view which the Church courts took of the matter was this: We have got by statute exclusive jurisdiction in all things spiritual; you the Court of Session have no jurisdiction in such matters; and, therefore, we claim to be left free and unfettered in our just jurisdiction. There could not be stronger language than that of the statutes which had conferred the jurisdiction on the Church Courts of Scotland. The act of 1567 said—

> "The Kingis grace, with auise of my Lord Regent, and thre estatis of this present Parliament, hes declarit and grantit jurisdictioun to the said Kirk, quhilk consistis and standis in preicheing of the trew word of Jesus Christ, correctioun of manneris, and administratioun of holy sacramentis; and declaris that there is na other face of kirk, nor other face of religioun, than is presentlie by the favour of God establishcheit within this realme; and that thair be no other jurisdictioun eclesiasticall acknawledgeit within this realme, other than the quhilk is and sal be within the same kirk, or that quhilk flows thairfrae concerning the premisses."

That gave an exclusive spiritual jurisdiction to the Church, and gave it that jurisdiction to the exclusion of the civil courts. And the act concludes with a commission to certain Lords and Ministers,

> "To seirche furth mair specialle, and to consider quhat other speciall points or clauses suld appertaine to the jurisdiction, privilege, and authoritie of the said kirk; and to declare their mindis thairanentis to my Lord Regent and the estates of this realm at the nixt Parliament."

In 1592 another act was passed, cap. 116, which fully ratified and confirmed all the statutes made in favour of the Kirk,

> "And specially the 1st Act of the Parliament halden at Edinburgh the 24th day of October, 1,500 four score and ane years, with the haill and particular acts therein mentioned, quhilk shall be as sufficient as gif the same were here exprest."

There was here clearly, then, through the medium of the Act 1581, which was referred to, what is equivalent to an express ratification, and re-enactment of the statute 1592, of the Acts of 1567 and 1579, "Anent the jurisdiction of the Kirk," which were two of the particular acts mentioned in the Act 1581. The Act 1592, as was well known, fixed the Government of the Kirk by certain gradations of Church courts, and combined with the general ratification already alluded to, amounted, he stated on good authority, to a positive enactment that Church government should be absolute, and the church courts, exclusive, at least in all matters declared to be within the "jurisdiction of the Kirk," by the Acts 1567 and 1579, or any of the other statutes, expressly ratified and confirmed through the medium of the Act 1581, and the special ratification of it and all the statutes mentioned in it. This view was confirmed by other parts of the statute. It abrogated and annulled all statutes made at any time before,

> "Against the liberty of the true Kirk jurisdiction and discipline thereof, as the samin is used and established within the realm;" and it declares, "that the Act 1584, c. 129, shall nowise be prejudicial nor derogate any thing to the privilege which God has given to the spiritual office-bearers in the Kirk, concerning heads of religion, matters of heresie, excommunication, collation, or deprivation of ministers, or ony siklike essential censures, speciallie grounded and having warrand in the word of God."

These acts continued in force, the right hon. Baronet would observe, until the Act of 1662 was passed, by which Presbyterianism was abolished in Scotland, and prelacy established. Now, this recissory act, in the description which it gives of the powers which it repealed of the Presbyterian Church, fully confirmed the extent and importance of those powers. It states, after setting forth that the supremacy of the Church is in the King, that

> "His Majesty, considering how necessary it is that all doubts and scruples which, from former acts or practices may occur to any concerning this sacred order, be cleared and

removed, both therefore of certain knowledge, and, with advice foresaid, rescind, cass and annul all acts of Parliament, by which the sole and only power and jurisdiction within the Church doth stand in the Church, and in the general, provincial, and Presbyterian assemblies and Kirk-sessions; and all acts of Parliament or council, which may be interpreted to have given any Church power, jurisdiction, or government to the office-bearers of the Church, their respective meetings, other than that which acknowledgeth a dependence upon, and subordination to the sovereign power of the King as supreme. And, particularly, his Majestie, with advice aforesaid, doth rescind and annul the first Act of the twelfth Parliament of King James VI., holden in the year one thousand five hundred and ninety-two, and declares the same and all the heads, clauses, and articles thereof void and null in all time coming."

Now, that act annulled all the power of the Church; and, in annulling it, showed very clearly that all the power and jurisdiction within the Church doth stand in the Church, and in the Church exclusively. The Legislature of 1662 said, in effect by the recissory act that the Presbyterian Church had exclusively spiritual jurisdiction, and a new constitution was introduced to abolish it. In 1669, cap. 1, another statute was passed, by which it is declared that "his Majesty hath the supreme authority and supremacy over all persons," and following up the law for rescinding the Presbyterian constitution of the Church, vested all the supremacy in the Crown. Matters remained in this condition till the Revolution of 1688, when one of the first things which attracted the attention of the Scotch Parliament was to restore the Presbyterian Church. By the statute of 1689, cap. 3, prelacy was done away with, and the Presbyterian Church restored. The act of 1662 was rescinded, and then the Presbyterian Church became re-invested with all the privileges and powers it possessed before the act of 1662. The act of 1689 declared that the first act of the second Parliament of King Charles 2nd, entitled

> "An act asserting his Majesty's supremacy over all persons, and in all causes ecclesiastical, is inconsistent with the Church government now desired, and ought to be abrogat; therefore their Majesties, with the advice and consent of the estates of Parliament, do hereby abrogat, rescind, and annull the foresaid act, in its whole heads, articles, and clauses."

By that act, the King's supremacy was especially annulled. The King was not the head of the Scotch Church, and the supremacy of that Church rests not on the common law, but is plainly declared by the statute law. The King's supremacy was abolished by the act of 1689, and the supremacy of the Church restored. Then the act of 1690 annulled all the acts derogatory to the Protestant religion and Presbyterian government, and that act declared the whole jurisdiction to be within the Church and its courts. He contended, then, that the whole jurisdiction in ecclesiastical matters and all ecclesiastical judgments were contained within the Church, and all flowed from the Church. This excluded the jurisdiction of the Court of Session from all things ecclesiastical. He was not speaking of any individual case, but of the general jurisdiction of the Church. And what was the result, as now exhibited in Scotland, of the interference of the civil courts with the ecclesiastical jurisdiction. There were seven parishes of Scotland, in which the only man who could not baptize a child, preach a sermon, nor perform any pastoral functions whatever—the only man in those seven parishes who, it was impossible, could perform any ecclesiastical functions whatever, in consequence of the interdict of the civil judges—who could not preach, not only in the Church, nor even in the churchyard—the only man in each of those seven parishes who could not perform any ecclesiastical function whatever, was sent into those parishes expressly by the act of the General Assembly. Was not that a matter which required consideration? Could it be right that things were in that condition? Was that not monstrous? Were not these circumstances which demanded the most careful consideration of the House of Commons? Were they not called upon to make themselves judges of this, and say what were the rights of the Church, and what were the rights of the civil courts? The House was called upon to step forward, and put an end to this state of unquestionable doubt and difficulty. They were not called upon to give judgment against the General Assembly, nor find the interdict of the civil courts erroneous. But the civil courts had taken it on themselves, he did not say whether they were right or wrong, to judge of the powers of the General Assembly. They had issued injunctions against ministers appointed by the assembly, and had interfered with the discipline of the Church. They had suspended or interdicted ministers from performing the pastoral functions. They had interdicted Presbyteries from performing the functions of a spiritual court, and from receiving charges against pastors. In one case brought before a presbytery, they had taken on themselves to decide what were the duties of a presbytery, and had interdicted it from acting within its own jurisdiction. A case, for example, was brought before a presbytery, in which a clergyman was accused of gross immorality, and even of crime; the presbytery took cognizance of the case, but the civil courts had interfered, and had interdicted the parties from carrying the case to a conclusion. The presbytery finding the pastor guilty of a spiritual offence, pronounced on him a sentence of deprivation; but the civil courts had rescinded the sentence. The civil courts, therefore, were not satisfied with exercising a civil jurisdiction—they had interfered with the discipline of the Church; and matters which were purely spiritual and ecclesiastical. Though the Church deprived a man of his spiritual character, the civil court said he should baptise, preach, and administer the sacrament—the Church shall have no jurisdiction in the matter; and the man it has deprived shall perform his spiritual functions in spite of the decree of the Church. They acted, he thought, still more adversely to the rights of the Church, for they enabled the minority of a presbytery to overrule the majority. The whole question in dispute was one case of conflicting jurisdiction; and Lord Cunninghame had carried his power so far, that he rescinded the acts of the General Assembly. The consequence of this dispute, and of the civil courts sustaining those ministers whom the Church deposed was, that one clergyman might live in the manse, might draw his stipend, might cultivate his glebe, but he could not perform any ecclesiastical act; and another appointed by the General Assembly, had no power whatever. This conflict between the civil courts and the General Assembly could not be continued without great danger to the Church, nor without painful consequences to the country. It was that question of the general jurisdiction which he asked the House to consider, and which the clergy of Scotland came before the House, not with the language of menace, but respectfully to tell the House, that if this confusion of jurisdiction continued, if their ecclesiastical and spiritual powers were trampled down, if they remained suspended from fulfilling their duties, it would inflict great hardships on individuals, and cause great injury to the State. They applied to Parliament not to undo what had been done, but to remedy the existing evils, and provide against the future recurrence of similar evils. The line of demarcation between the civil and ecclesiastical powers was not distinctly drawn; and if the Parliament should act as the Government acted—if it did nothing to satisfy the wishes of the clergy, he was afraid that a schism would ensue, and be extremely injurious. The clergy applied to Parliament, and it was the duty of Parliament to settle this question of disputed jurisdiction. He trusted that the House would take a wiser course than the Government, and take the question into its consideration, by granting the committee moved for by his right hon. Friend. There was another question besides that of general jurisdiction—the question of non-intrusion—which demanded a different remedy. It was stated by the right hon. Baronet, that on this point the General Assembly was the aggressor, and that it ought to have recalled the Veto Act. But the right hon. Gentleman appeared to forget the circumstances under which the Veto Act was passed. It was passed with the approbation of the law officers of the Crown belonging to the Government of 1833 and 1834. It was passed with the full consent of the legal advisers of the Crown, and it received the assent of the Lord Chancellor of that time, who said, as it was introduced by Lord Moncrieff, and adopted as the only mode of saving patronage at all, that it ought to be sustained. In fact, the Veto Act was proposed in order to stop the growing clamours against patronage, and Lord Moncrieff brought it forward with the assent of the Government, as a just and satisfactory measure to all parties. It was acted on, too, for some years with the best effect, and in its results was not unsatisfactory to lay patrons, so far as it bound the presbytery to take a presentee on his trials. Then came the case of Auchterarder. The general question of jurisdiction was mixed with that, and the civil courts decided against the Veto Act.

The Lords confirmed the decision of the Court of Session, and by their confirmation the operation of the Veto Act was suspended. He was not the adviser of the Church, but if he had been, he should have advised the Church then to recall the Veto Act, after the judgment of the Lords. He thought it would have been better for the Church then to have done so. It was not necessary to give up its jurisdiction; but for the sake of harmony, and taking into consideration the state of things in Scotland as well as the decisions of the courts, it would have been better for the Church to have recalled the Veto Act. The question had a spiritual aspect, and it had also a temporal aspect. [An hon. *Member:* What do you say to the Strathbogie case?] That was a case altogether wide of the present question. The Strathbogie case rested on different grounds. The only question there was, whether the presbytery had overstepped its duty. The question before the House, however, was not whether one or the other party had overstepped the line of its duty, but there being this conflict, between the Church and the Court of Session, would the Legislature interfere to prevent the consequence, which would be most calamitous? As to the intemperate language which was used on one side and the other, he could not allow that to weigh in the scale, nor would he decide which was the more intemperate. In the Strathbogie case, the question was as to the power of the presbytery, and he did not mean to say that it had been discreetly exercised, but it was exercised as that House exercised its privileges, without reference to the court of law. The presbytery thought it had the power to carry its own decrees into effect, just as the Court of Chancery exercised its own jurisdiction, and would not allow that to be questioned by the courts of law. That House would not allow its privileges to be questioned by those courts, and it had lately sent men to prison, and kept them there till they were attenuated, who had only carried out the decrees of those courts. The presbytery, in like manner, had only carried out its own jurisdiction. As to the question which party was the aggressor, he would not enter on it; but he would say, and he said it though he knew he should meet the judges in court in a day or two, that the language used on the bench had done much to exasperate the evil. The clergy had been spoken of, by one of the judges, as "rebels and thimble-riggers," as playing the game of "odds I win, even you lose." He would not name the judge, but he said, with extreme pain, that language of that kind had tended much to embarrass the question. He did not say which party was right or wrong, but when it was considered that the church of Scotland consisted of laymen, together with the clergy, the question whether the General Assembly deserved all the reproaches cast on it must remain subject to great doubt. If the House followed the course of the right hon. Gentleman, and gave no relief—no hope—the result would be that the people would be as little satisfied as the clergy. He would say one word on the Earl of Aberdeen's bill. He would not state that that bill was of a nature to settle the question, and he should always object to any measure which increased the power of the clergy, but it told well for the clergy that Lord Aberdeen's bill gave them a considerable power which they did not before possess. But they refused that measure, though it increased the power vested in the Church, because it did not admit of the principle for which they contended, of popular election. They showed their sincerity, he thought, by rejecting the Earl of Aberdeen's bill. The clergy objected to the measure, though conciliation would have been for their advantage. But they chose to expose themselves to great disasters, and their families to great hardships, in order to take their stand on a principle. They would not give up their character—they would not sacrifice what they thought was the truth—they decided against the measure because it contained no popular concession, and were prepared to take the consequences on their own heads. He agreed with the right hon. Baronet that it was impossible to overrate the importance of the question now before the House; and the House perhaps would wonder less at the great powers, ecclesiastical and spiritual, which the Parliament of Scotland had conferred on the General Assembly, when he stated that it was composed of clergy and laity, the latter being two-fifths, and the former three-fifths of the whole body. It was not the Scotch clergy, but the Scotch Church, consisting of both lay and spiritual persons, that was endowed with these large powers and entrusted with these important duties. As to the clergy, he would say that they maintained an appearance of great respectability on very slender stipends; they were admitted to the society of the great, and they lived in harmony with the poor; they dispensed charity as well as religious instruction; and had won the admiration and affection of the people. He trusted, that this question would be so settled as to retain those excellent men within the Church, and so settled as to give satisfaction to the people of Scotland.

Mr. *Colquhoun* trusted that before entering into the argument he might be permitted to make one remark applicable to the able and temperate speech of the right hon. and learned Gentleman who had just sat down. The question now was not which party had been the aggressor in this contest. All should now endeavour to forget whatever of intemperance might have been exhibited on either side of the question. If, by entering into the committee now asked for, anything could be done to stay the progress of that schism which all must deplore, he thought he might answer for both sides of the House that the motion would at once be acceded to. He feared that the main point of the controversy was not exactly as the right hon. and learned Gentleman had stated it. He wished it were, and that the Assembly had had the right hon. and learned Gentleman for their adviser. The right hon. and learned Gentleman, in discussing the question of non-intrusion, had alluded to the bill of Lord Aberdeen. Would the House permit him to state what was the doctrine of the Church on the question of non-intrusion? It was, that let the qualification of a presentee be what it might, if the will of the congregation were expressed against him, it would be an absolute bar to his appointment, and the Church courts would consider it a sin and a crime to intrude such presentee. Now, unless the House were prepared to recognize that conclusion, it was plain that the committee would be of little use. He asked the House were they prepared to adopt that doctrine. He had always thought it inconsistent with the principles of the Church of Scotland, and he asked the House whether they would take the fluctuating and temporary opinions of the day, or the recorded and stereotyped opinion of the constitution of the country. The right hon. and learned Gentleman had said that if the congregation objected it was a bar to the presentee. What said the Book of Discipline on the subject? It said that if a man's doctrine was found to be sound—if he was able to instruct the people, and that the Church had nothing to allege against his life or doctrine, the congregation should be compelled to receive him. The same principle was laid down in 1649, at a time when the Church was left entirely to its own guidance; and then it was enacted that if a presentee were opposed through causeless prejudice, that man should be placed in the parish. Also, in the Act of 1690, it was expressly stated that it was not enough for the congregation to say they would not have the presentee, but should give their reasons, and if the Church did not approve of those reasons she was to overrule them and place the man. What said the bill of Lord Aberdeen? It stated that the Church was to be left free to judge of objections. The only difficulty he (Mr. Colquhoun) had found with respect to the bill of Lord Aberdeen was that it did not, in his opinion, sufficiently give the Church courts the power of judging, which they ought to have. He thought that in a case when a presentee did not edify the people, the Church courts would not have sufficient power under the bill to set him aside. But a proposal was made and sanctioned by the Government, giving ample powers to the Church courts to reject any man against whom reasons should be assigned, provided these courts could say on their consciences that it was not for the edification of the parish that such persons should be placed in it. In his opinion no offer could be fairer or more liberal. He would not then enter upon the grounds on which the bill was rejected, but he must deplore that the offer to which he had alluded had not been accepted, as he believed that its acceptance would have put an end to the controversy. He could not help thinking that there were vast numbers in the country who, if they understood it would have accepted the proposal. He believed that many were uninformed on the subject. Indeed, on one occasion, his excellent Friend, Sir G. Sinclair, to whom the Church of Scotland was so deeply indebted, having been reproached by some clergymen for deserting the Church, ascertained that they had never read his correspondence on the subject. He would now mention a case which would show to the House the injustice of the principle of the Veto Act. In 1839 he had recommended a gentleman, Mr. Mackintosh, to the patron of the parish of

Daviot, in Inverness-shire. He afterwards ascertained that the presentation was in the hands of the Government, who presented, but a local cabal, without cause assigned, rejected the presentation, and substituted a Mr. Cook, and this in spite of a special clause in the Veto Act against caballing or conspiracy. He thought the House would never accede to an act which permitted such injustice. The next important question was that of jurisdiction. On that point the doctrine held by the Church courts was, that an act, which could only be done by a particular court, must of necessity be within the exclusive jurisdiction of that court, and that court must be free from the interference of any other tribunal. They then went on to say that the refusal of a congregation to admit was a portion of their jurisdiction. They admitted that such doctrine did not agree with the municipal law, but that the matter in question was not a civil act. In 1592, when the basis of the constitution of the Church was established, a compromise was effected between the Church and the State. The Church wanted to get rid of patronage, and the State would not agree to that, and accordingly a compromise was effected, binding the Church courts to take a man on his trials, and, on these trials, to pass judgment upon him. If the veto had been repealed, as had been recommended, these unhappy difficulties would never have arisen. He had strenuously advised Dr. Chalmers in Edinburgh, and Dr. Buchanan in Glasgow, to repeal the veto; and he regretted that they did not follow his advice. This was in 1840. But since then the claims set up by the non-intrusion party in the Church had gone very great lengths. Dr. Candlish claimed the entire control over the presentee as a spiritual matter. On these grounds he was not prepared to concede the claims of the Scotch Church. But at the same time he readily admitted that the probable consequences of refusing concession were of a very grave nature. If there were any means of preventing the expected schism, he would willingly see them adopted, and he did not think it was yet too late for his right hon. Friend to bring in a measure on the basis of that of 1841, or that it would be unacceptable to many of the ministers of the Church of Scotland. He did not think it would stop secession from the Church, and he feared that those clergymen who were among its brightest ornaments would be among the number—his illustrious friend Dr. Chalmers, for instance, and Dr. Candlish, who certainly would not accept such a measure; but still he was of opinion that several earnest and honest-minded men would be glad to adopt it. If the offer made to these clergymen in 1841 had been made fifteen years ago, he was satisfied that there was not one of them but would have accepted it with thankfulness. He, therefore, entreated them, before they entered on the course of agitation which was certainly injurious to the Church, while it was so doubtful as regarded themselves, to pause in the course they were pursuing.

Mr. *P. M. Stewart* said, that the vast importance of the question before the House must be his apology for venturing to address it at this late hour. He sympathised deeply in the accumulated trials of the Church of Scotland. Bishop Leighton, he believed it was, had said, "that he would scarcely have planted Christianity itself at the cost of the sad sufferings of the Presbyterian Church," and these trials were not yet over. But there was one trial characteristic of the present crisis, which was among the sharpest to endure —he meant that of her past friends and supporters being now, in this dark hour of need, her fiercest opponents. If there was one man in this House more than another whom he (Mr. Stewart) could have expected to appear as her zealons and able advocate, it was the hon. Member who had just sat down (Mr. Colquhoun); but who, from being one of her warmest friends had now taken up the position of her greatest foes. Comparing the sentiments published by that hon. Gentleman at the last election, with those he had avowed to-night, he could scarcely believe in the identity of the candidate for Kilmarnock in 1841 and the hon. Member for Newcastle-under-lyme in 1843. What said the hon. Gentleman in his published address?—

"I have felt it my duty (said he) to maintain the great institutions of my country, those especially which secure to us our religious rights, the best foundation of civil liberty. Of those institutions one of primary importance is the established Church of Scotland, which long required extension, and has been recently exposed to danger. I have felt it right to demand her extension, and maintain her integrity. I will support her at this crisis in her just and reasonable claims to the independent jurisdiction and the rights possessed by her people in the appointment of her ministers, which I find recorded in her Constitution, and of which no aw must be suffered to deprive her."

In his Address to the electors of Port-Glasgow, on the 24th of June, 1841, the hon. Gentleman said—

> "It had been widely whispered at Kilmarnock, that he would not stand by the Established Church. He would say that to both the Established Churches of the United Kingdom he was warmly attached. In regard to that of Scotland, he would be a party to no compromise of principle, and would oppose any measure calculated to interfere with her independence in spiritual matters. From whatever quarter she might be assailed he would be her defender. He had written a pamphlet, pointing out the injurious consequences that would result from the passing of such a measure as that proposed by Lord Aberdeen. Of the Duke of Argyll's bill he highly approved, and should give it, or any measure of the same kind, his warmest support."

The hon. Gentleman had blamed the majority of the General Assembly for having, in a great degree, produced the present crisis, by not having repealed the Veto Act immediately after the Auchterarder case was decided. He (Mr. Stewart) on the contrary, applauded them for not having done so, because, by so doing, they would have appeared to abandon that principle which it embodied, and because the decision of the House of Lords in that case had swept away every other mode in which they could have embodied the non-intrusion principle. The hon. Member who spoke last had alluded to the correspondence published by Sir George Sinclair. Now, in looking over that correspondence, he found a letter to Sir George, by "a Conservative M.P.," in which the following passage occurred:—

> "In vain you ask me for an opinion on your letter on the Scottish Church question: I vow to God I cannot understand it, with its veto-ism, its Presbyteries, its elders, its General Assemblies, its Commissions, its lay patronage, and I cannot pronounce upon them. I have no memory for them, nor does any one with whom I hold intercourse know or care a single straw about the matter—but for its being so managed or mismanaged as to have caused a loss to the Conservatives of half a score of seats at the last election—and much do I grieve to hear your own is one. The whole question addles my brain."

He adduced this testimony for the purpose of seriously entreating those in that House who did not understand the question, to abstain altogether from voting. Since the time of the Union no question had affected Scotland so deeply from one end to the other; and no wonder, for the Church of their Reformation was involved in the decision which would be pronounced to-night. This was no party question, but a momentous national question, which involved the peace of Scotland and the good faith of England. It was difficult to argue a Presbyterian question before Episcopalians. The Reformation stamped the difference which continued till the present day between the two churches established in these realms. The Reformation in England emanated from the monarch in some degree against the will of the people, and the Anglican church had from that time assumed a monarchical character. In Scotland the Reformation emanated from the conviction of the people, in opposition to the will of the sovereign, and therefore assumed a republican character. He trusted English Gentlemen would bear that in mind, and then they would be likely to arrive at a more just and safe conclusion. Knowing these facts, it was with some surprise that in another place he heard a noble and learned Lord, a late Chancellor of Ireland (Lord Campbell), himself the son of a Scottish clergyman, speak as if he had forgotten that at the English reformation the King assumed to himself the power of appointing and presiding in ecclesiastical courts, in which all cases were adjudicated which formerly were appealed to the Pope in Rome; but that in Scotland the case was diametrically opposite—no power was reserved to the Crown in things ecclesiastical—all power in such matters being vested exclusively in Church courts. As an exemplification of the difference on the subject, he would only mention that in England Sir T. More lost his head for denying the spiritual headship of the monarch—while in Scotland Sir A. Bruce was ejected from the Parliament met to settle the Act of Security, merely because he was suspected of a leaning towards an acknowledgment of an earthly head. Scotland then contended for the standards of her Church—she did the same now. She contended for nothing more than her standards as confirmed by act of Parliament, and secured by solemn treaties. The two principles for which she had assumed her present attitude were non-intrusion and ecclesiastical independence; and both of these principles were distinctly laid down in her standards. What said the first book of her discipline?

> "It appertaineth to the people and to every congregation to elect its own minister, and no minister shall be intruded contrary to their will."

That was the standard of the Church, and the same spirit ran through the whole, otherwise they would not have been put forth so boldly, and referred to so generally, and so distinctly, as they had been of late, and without contradiction. The Scotch reformers went to the primitive church for a model upon which to construct their own, and they had brought forth a very perfect constitution, for they produced a constitution which equally provided against clerical domination and popular disorder. As authorities for the assertion that the Scotch reformers had taken the primitive church for their model, the hon. Gentleman quoted Beza, Cyprian, the Bishop of Carthage, Pope Gregory, who was chosen by the whole Roman people, Gibbon, and Adam Smith. Father Paul, the Historian of the Council of Trent says—

> "As to the manner of electing ministers, a person not known was never received, nor could a bishop even ordain those of whom the people did not approve." Gibbon says, "The freedom of election existed long after the establishment of Christianity, and the people of Rome enjoyed in the Church the privilege which they had lost in the Republic of choosing the magistrates whom they were bound to deny. It was every where admitted as a fundamental maxim of religious policy, that no bishop could be imposed on an orthodox Church without the consent of its members." And Adam Smith says, "In the ancient constitution of the Christian Church, the bishop of each diocese was elected by the joint votes of the clergy, and of the people of the episcopal city."

The right hon. Baronet the Secretary for the Home Department had quoted from the Confession of Faith, but he had only quoted to suit his own views. Had he gone on a few passages further, he would have found it laid down that synods and councils were to dispose of all things ecclesiastical. He would have found that it appointed a government of Church courts for ecclesiastical matters wholly separate from the civil magistrate. Many hon. Members would recollect that the learned Selden had an argument upon this subject of Erastianism with a young Scottish clergyman named Gillespie. Selden argued for three hours; he was answered by Gillespie in a speech of an hour, and at its close Selden said—"That hour's speech had knocked down the learning of a life." The right hon. Baronet the Secretary of State for the Home Department led him to expect great things, for he said that this question was to be judged of on the principles of the Union. In claiming the rights of the Scotch Church they desired nothing more than this. He would ask the House to consider the nature of the oath taken by the Sovereign on accession to the Throne of this realm, as prescribed by the act of security and union. The Sovereign took and subscribed an oath to maintain and preserve inviolate the settlement made under the treaty of union as to the government, rights, and privileges of the Scottish Church. The real question before the House he considered to be this—whether the Church was to be entitled to claim the benefit of the settlement made by the treaty of union, or whether she was to be subjected to what is commonly called the act of Queen Anne? The treaty of union was, in fact, the act of Queen Anne, as much as it was the act of Bolingbroke: but the question was, to which of these acts was the Church to be subjected? He could refer the House to the opinions of several eminent men in condemnation of the justice of the act of Anne Lockhart of Carnworth, a secret friend of the banished family of Stuart, said it was wished, by the introduction of patronage, to restore episcopacy in Scotland, and to undermine the Protestant succession; and similar opinions had also been expressed by Smollett, Dreghorn, Lord Prestongrange, and Andrew Crosby. He wished to call attention to the fact that, with respect to patronage, the patrons in Scotland had received not only the purchase, but the price. In 1649, when patronage was abolished, the tithes of the parishes were given to the patrons, in lieu of the patronage. On the restoration of Charles 2nd patronage was restored, and the tithes were refunded by the patrons. In 1690, when patronage was again abolished, the tithes were again made over to the patrons, and they received, besides in a few instances, a payment in money; but in 1712, when patronage was restored, there was no refunding of the price which had been paid for its abolition, so that at this moment the patrons possessed, not merely the price, but the purchase itself. He made this assertion on the authority of the acts of Parliament 1649, 1662, 1690, and 1712, and also on the authority of President Dundas, who drew up a statement on the subject; and on evidence before committee in 1834. The right hon. Baronet had said that no authorities had been adduced showing the character and real design of the act of Queen Anne. He (Mr. Stewart) had quoted several, and begged, in addition to them, to refer the right hon. Gentleman to the authority of Sir Walter Scott, who stated that,

> "The restoration of lay patronage in Queen Anne's time was designed to separate the ministers of the Kirk from the people, and to render them more dependent on the nobility and gentry, amongst whom, much more than the common people, the sentiments of Jacobitism predominated ;"

And Bishop Burnet confirms this powerfully, quoting the Act of Security and Union. He says,

> "After that an act was brought in for restoring patronage. It was set up by Presbyterians from the first, as a principle, that parishes had a right to choose their ministers, so that they had always looked on patronage as an invasion. It was urged that by act of Union, Presbytery, with all its rights and privileges, was 'unalterably' secured. Yet the bill passed through both Houses. By these steps the Presbyterians were alarmed when they saw in the success of every motion that was made, a design to weaken, and undermine their Establishment."

It was not, he conceived, surprising that a great hatred of the system of patronage existed in Scotland, where about nine-tenths of the dissenters had seceded from the Church on the ground of its existence. In proof of the extent to which anti-patronage opinions had gained ground in the General Assembly, he would state the numbers who had voted against the system of patronage at several distinct periods during the last ten years. In 1832 there were no votes recorded against the system ; in 1833, there were 32 ; in 1836, 60; in 1841, 149; and in 1842, 216,—there being, during the last year, a majority of 69 against the system of patronage. At the conclusion of the right hon. Baronet's celebrated letter, which he did not consider a very judicious production, it was stated that the Church of Scotland asked for the absolute abrogation of the civil rights of patronage with respect to the Crown and other patrons. He thought, however, it was manifest that a settlement short of that would satisfy the Church. Then why not allow the Veto-law? If they described the jurisdiction of the courts and allowed the Veto-law, the whole question might be settled, and the unfortunate results which seemed to be impending avoided. The Veto-law was in action for four years, 200 presentations had taken place under it, not above ten or twelve ministers were rejected, and those had been provided for in other places, excepting only the cases introduced into civil courts. Such was the working of the measure that every patron in Scotland had blessed it for the effects it was producing, and the Auchterarder case, the source of all our present difficulties, and which perhaps involved as unfortunate an exercise of patronage as ever was attempted, was not pursued either at the desire, or at the cost of the noble patron himself. Other parties, having no interest in the parish, were the authors of the mischief. Why not therefore allow the Veto-law? Why be afraid of a principle in the Presbyterian Church of Scotland which already is in full and unrestricted force in the Presbyterian Church of Ireland? The right hon. Baronet, says, "But that church is not endowed." What! Has he forgotten the *Regium Donum*—gradually increased from 14,000*l.* to 36,000*l.* within the last ten years? Yet the Presbyterian Church of Ireland enjoys every privilege for which the Church of Scotland is now striving. Let not the House be blind to the consequences of the decision they might come to. Petitions had been presented that evening, showing that upwards of 500 of the principal men in the Church of Scotland would secede unless her claims were granted to the Church. The Earl of Aberdeen, when advocating, in 1840, the second reading of that bill which Lord Chancellor Cottenham said the Church of Scotland did themselves infinite honour by not accepting, had in the strongest terms, urged Lord Melbourne not to delay taking some steps to remedy the evil and settle these unhappy disputes; and yet now, when the evil was much aggravated it appeared they were to have no remedy whatever. With respect to the meeting of the Convocation on 17th November last, an eye-witness stated that nearly 500 ministers had come together, consisting of all the talent, with few exceptions, and all the piety with still fewer exceptions, of the Church of Scotland, who, coming from the remotest parts at that season of the year, must be considered as forming such an assembly as never had met before; and they came to resolutions that, sooner than protract the struggle, and embroil the country, the whole 500 would secede. He trusted the Government would not be misled by what he had heard stated elsewhere—that the people of Scotland would approve of their declared determination to let the law take its course, and not to interfere. Never was there a more unfounded assertion made, and Government and the Legislature should be on their guard against such uninformed informants. The people of Scotland were deeply and painfully interested in this vital question. They now watched with intense anxiety the decision of the Legislature, for on that must depend, whether the religious citizens of Scotland were to sing for joy—"The snare is broken, and we are escaped;" or whether they were "to hang up their harps on the willows, and weep for their Zion." "Now it comes," were the last words of the great Scotch Reformer, when death approached; and such, he feared, must now be the sigh of the Presbyterian heart, in contemplating our Church as an Establishment. "But do not let me be misunderstood," said Mr. Stewart; "it is asserted by one of our greatest writers, that 'the body and the soul may be so proportioned, that one can endure all that can be inflicted upon the other; that virtue can stand its ground as long as life; and that a soul well constituted, will sooner be separated than subdued,' and so it is with the church of my fathers. You can separate, but you cannot subdue her. She was a Church, as the right hon. Baronet stated, before you adopted her as an Establishment, and you solemnly engaged to preserve to her all her then existing privileges. Scotland now claims the fulfilment of the Treaty, and nothing more. If you are tired of the bargain, break it off, by taking back your temporalities, and by leaving our Church unshaken in her eternal principles of perfect spiritual freedom. But, O, beware of the consequences in these days, especially when the wisest among you seem to discern many symptoms of religious revolution at large, and seriously consider whether it be not the part of wisdom, as well as of justice, to grant to us, the Presbyterians of Scotland, our undeniable claims, and thus, in doing justice to our Church, you will do that which must prove for the good of your own Church, and for the safety, honour, and welfare of our Sovereign and her dominions."

Debate adjourned.

FACTORIES' EDUCATION.] Sir *James Graham* said, after what had taken place the other evening, he thought it would be best that he should introduce the bill of which he had given notice, for regulating the employment of children and young persons in factories, and for the better education of children in factory districts. The measure he proposed rested mainly on the report of the committee which sat in 1840 for the investigation of this subject. The report stated the defects and omissions of the existing law; and his object was to supply the defects and omissions in the law which the report detailed. The age of children employed in factories was, at present, limited from nine to thirteen; and the hours of labour were limited to eight per day. He proposed to reduce the number of hours from eight to six and a-half; and he also proposed that the six and a-half hours' labour must take place either in the forenoon or in the afternoon, and not partly in the one and partly in the other. He was disposed to believe that the lowest age at which children might begin to work could be safely reduced from nine to eight, so that a child from eight to thirteen might work from six hours and a-half to eight hours, either in the forenoon or in the afternoon wholly, and not in both. The committee had recommended that the maximum age for females should be altered from eighteen to twenty-one. Young persons were not now permitted to work more than twelve hours a-day. He proposed to alter the age at which females should be permitted to labour: in the case of males coming under the denomination of "young persons," he did not propose to make any alteration. There were several minute provisions with respect to meal times. The regulations respecting dinner contemplated at the least a space of one hour. With respect to Saturday, he proposed that the hours of work should be limited to nine, so that young persons would be worked twelve hours on other days, and nine hours on Saturdays. From the report of the committee, it appeared that objections were made to the modes in which lost time was made up. He proposed to limit those modes of making up lost time to those factories where water labour is used. He proposed to give the inspectors power to select qualified surgeons to attend the several mills in each district, and to report upon their condition at stated times. Then as to accidents arising from machinery — he intended to provide against them, by making it compulsory on the owners to guard every dangerous portion of the machinery in their possession from the possibility of doing injury to any of the persons in their employment; and he also intended to prohibit the cleaning of machinery while it was in motion. For these various purposes clauses would be contained in the bill, making it compulsory upon mill-owners to act in conformity with its regulations. Such a bill must, of course, contain several penalties; besides, it was intended to introduce as many as possible of the alterations recommended by the committee. He would not then enter at large into the education clauses, for it would be unnecessary for him to restate what he had said upon a former occasion; but he hoped that on the whole the measure would give general satisfaction. Thus much, however, he would say with respect to the education clauses, that he trusted the effect of the measure would be greatly to increase the number of children receiving the benefits of education. The bill would include within the scope of its operation all children employed in silk factories; and he hoped still further by a separate bill, brought in with the sanction of her Majesty's Government, to include the lace factories, and the children engaged in printing; thus comprehending all the children employed in all the great branches of our textile manufactures. There was one omission in his statement, which he begged to supply—it was, that in all the manufacturing districts, the children of any parents, whether those children were employed in factories or not, should have the benefits of education at an expense not exceeding 3*d*. per week. The education being to some extent compulsory, it would go far to establish a national scheme of instruction upon a large scale. It was not necessary for him to detain the House with any further observations. He hoped they would allow him to bring in the bill, and he assured hon. Members that he should not prematurely press for the second reading.

Lord *Ashley* concurred in the proposed arrangements regarding education. He regretted that further limitations had not been introduced with regard to the hours of labour, and, as that did not seem to enter into the plan of his right hon. Friend, he (Lord Ashley) should himself propose it in committee.

Mr. *Hindley* wished that the hours of labour should be left an open question.

Leave given.

Bill brought in and read a first time.

INSANITY AND CRIME.] Sir *V. Blake* rose, pursuant to notice to move for leave to bring in a bill to abolish the plea of insanity in cases of murder, or attempts to murder, except where it can be proved that the person accused was publicly known and reputed to be a maniac, and not afflicted by partial insanity only; and to ask the House to suspend the standing orders, in order to accelerate the progress of the bill. He wished to know from the right hon. Gentleman opposite if her Majesty's Government intended to propose anything of that sort. It was of course quite right to be cautious: but it should at the same time be remembered that delays were dangerous.

The hon. *Member* not finding a seconder, the motion dropped.

House adjourned at half past twelve o'clock.

HOUSE OF COMMONS,

Wednesday, March 8, 1843.

MINUTES.] NEW WRIT.—For Tavistock, in the room of John Rundle, Esq., Steward of the Chiltern Hundreds.

BILLS. *Public.*—2°· Dogs.

3°· House of Lords Oaths; Punishment of Death.

Private.—1°· Brighton and Hove Gas; Imperial Continental Gas; Temperance Friendly Society; Samwell's name; Faversham Navigation; Grafton Inclosure; Neath Harbour; Sheffield, Ashton-under-Lyne and Manchester Railway; London and Brighton Railway; Bourn Drainage.

PETITIONS PRESENTED. By Mr. Hutt, from Emma Sophia Gepp, in favour of the Foreigners' Naturalization Bill.—By Mr. Masterman, from Merchants and others, for Erecting Permanent Lighthouses in the English Channel.—By Mr. Villiers and Mr. Busfeild, from Sabden, Wisnell, Cleckheaton. Stewarton, Preston, Arbroath, Forfar, Waterfoot, and Rossendale, for the Total and Immediate Repeal of the Corn and Provision Laws.—By the Earl of March, from Estergate, Felpham, and Arundel, for the Repeal of the Malt-tax.—By Mr. Bernal, from London, Weymouth, and Tavistock, against the injurious effects of Lord Ellenborough's Proclamation.—By Lord John Manners and Lord Henniker, from East Andover, St. James's (Westminster), the Dean and Chapter of Westminster, and from the Rev. John Jordan, against the Union of the Sees of St. Asaph and Bangor.—

By Mr. Walter, from Thatcham, and Shefford, for the Repeal of the Income-tax.—By Lord Ashley, from Osset-cum-Gawthorpe, Kilmarnock, Morley, Thornhill Edge, Kirkheaton, Almondbury, Thornhill, Barnsley, Flockton Dewsbury, Birstall, Huddersfield, Polkumnet Colliery, Halifax and Leeds, against the Repeal of the Mines and Collieries Act.—By Mr. E. Ellice from Coventry, for Amending the Bankruptcy Laws.—From Romsey in favour of the Dogs Bill.—From Bridgewater, Crewkerne, and Shrivenham, for Church Extension.—From Strabane, for for Regulating the working hours of Bakers in Ireland.—From Innoshannon, against the the Medical Charities (Ireland) Bill.—From Norwich, Carmarthen and Winchester, against the Ecclesiastical Courts Bill.—From Hereford, Neath, and several Anti-Slavery Societies, against Parts of the American Treaty.—From Edward Wesley, for ensuring Efficient Pilots. — From James Steward for constructing a Harbour of Refuge at Dover.—From Monaghan, for Amendment of Poor-law (Ireland).—From Bognor, for Extension of Metropolitan Police Act.—From Finchingfield and Stambourne, for Enquiry into Maynooth College.

IMPORTATION OF WHEAT.] Mr. *Blackstone* pursuant to notice, asked the right hon. Gentleman the Vice-President of the Board of Trade, whether any wheat had been imported from Wolgast at 20*s.* duty, and whether that duty had been paid. He understood a quantity of wheat had, within the last week, been imported from the place in question. The hon. Gentleman then read the following paragraph from the *New Farmer's Journal*:—

> " A letter from Mr. Thomas Gee, President of the Boston Agricultural Association, dated the 20th ultimo, and published in a provincial contemporary, states the important fact, that some cargoes of the finest quality of wheat, weighing sixty-five pounds per bushel, have lately been imported into Plymouth for consumption, having cost 31*s.* per quarter free on board at Rostock, with 3*s.* per quarter freight, and upon which the present duty of 20*s.* per quarter has been paid on delivery. In the port of London, during the last week, we have had Wolgast wheat, weighing sixty-three pounds per bushel, sold from on board ship at 36*s.* per quarter, and passed through the Custom-house under the Bonded Corn Grinding Bill, by means of 'certificate scrip,' at the rate of 14*s.* and 15*s.* instead of 20*s.* per quarter. What prospect of improved prices have the farmers under such prospects as these?"

Mr. *Gladstone* replied, that within the last week there had been imported into the Thames, 1,750 quarters of foreign wheat, upon 150 quarters of which the duty of 20*s.* a quarter had been paid. The remaining 1,600 quarters were at present in the bonded warehouse.

ACRE.—PRIZE MONEY.] Mr. *Hume* inquired of the Chancellor of the Exchequer whether the money some time since voted by the House as prize money to the troops and seamen employed at Acre, had been distributed.

The *Chancellor of the Exchequer* replied that the money had not yet been distributed, as there existed some difficulty with respect to the share to be assigned to the different parties.

HALIFAX UNION.] Mr. *Ferrand* seeing the Home Secretary in his place begged again to refer to the conduct of the board of guardians of the Halifax Union. On a previous evening he had stated to the House that the guardians of the union, with the consent of Mr. Clements, the assistant Poor-law Commissioner, had entered into preliminary arrangements for the erection of a tread-wheel in the workhouse. The right hon. Baronet (Sir J. Graham) upon that occasion declared that what he (Mr. Ferrand) stated was not true, and that the machinery which the guardians proposed to erect was not a tread-wheel but a hand-mill. Since then he had received from an unquestionable source the following statement:—

> "That the board of guardians of the Halifax Union, on the 1st of March, with the consent and sanction of Mr. Clements, the assistant Poor-law Commissioner, resolved that arrangements should be made for the erection of a tread-wheel, exactly the same in principle as the one at the Wakefield, or any other house of correction. The power is to be applied to a rag machine, and the estimate for the wheel is to be to hold from four to forty men."

He (Mr. Ferrand) wished to know whether the board of guardians had the sanction of the Home Secretary for the erection of this wheel?

Sir *James Graham* said, that previous to the reply which he gave to the hon. Gentleman upon this subject a few years ago, he had received from the Poor-law Commissioners an assurance that they had reason to believe that the statement that the board of guardians of the Halifax Union had entered upon arrangements for the erection of a tread-wheel, was inaccurate. He had seen one of the Poor-law Commissioners again that morning, and had again inquired of him whether he had any reason to doubt that the statement which he (Sir James Graham) had made in the House, upon the authority of the Commissioners, was incorrect. The Commissioner again assured him that he believed the statement was quite correct, that the machinery in question was not a tread-wheel but a hand-mill for the grinding of corn. He was unable, from his own knowledge, to give any assurance upon the subject. But he had no hesitation in repeating what he stated the other evening, that he should most extremely deprecate the erection of a tread-wheel in any union workhouse; and if by any misfortune such an intention should exist in the minds of the guardians at Halifax, he was sure that the Poor-law Commissioners would unite with him in the exertion of all his influence to prevent its being carried into effect.

EXPLANATION.] Captain *Rous* having stated on a former evening, in reply to a charge of jobbing in the Admiralty, that he also knew of a job where an officer, having changed his politics, received promotion, notwithstanding the fact that he had been threatened with a court-martial on a foreign station, begged now to state that he had since received a letter from a very distinguished officer who served upon the same station, informing him that his statement was incorrect, and that the officer alluded to had not been threatened with a court-martial. Thus corrected upon the point, and sensible of the injustice of allowing a misstatement of this nature to remain unexplained, he thought it right to make this public declaration of his error, and to apologise for having fallen into it.

Viscount *Palmerston* thanked the gallant Officer for the frank and handsome manner in which he admitted his mistake. It could not fail to be highly gratifying to the officer to whom the previous remarks had applied.

NATURALIZATION OF FOREIGNERS.] Mr. *Hutt* said: In moving the Second Reading of the Naturalization Bill, I trust I may ask for a few moments the indulgence of the House. There are some misconceptions abroad respecting the nature of this bill, which, I think, a short statement, if I may be favoured with the attention of the House while I make it, must have a tendency to remove. The advantage of inducing foreigners to establish themselves in this country, though it is a subject new to this House, is by no means new to the Government of this country. Some legislation in its favour may be observed at a very early period of history. There are traces of it in Magna Charta, and the laws made by the first Princes of the house of Plantagenet, and especially by Edward 3rd, for encouraging foreigners to settle in this country, and for throwing open our markets and our harbours to the unrestricted intercourse of the world, will ever remain conspicuous monuments of their early wisdom, and fitness for the task of government. From the time of Richard 2nd to the Revolution, with some exceptions, indeed, in the reign of Elizabeth, and of Charles 2nd, a very different policy prevailed. Foreigners were then regarded, as they usually have been regarded by nations imperfectly civilized, with strong feelings of jealousy and aversion. They were, accordingly, subjected to fantastic and odious restraints, and they frequently bore the imputation of occasioning ridiculous and impossible evils. At the Revolution, wiser sentiments were entertained; the writings of Sir Josiah Childe, of Algernon Sydney, of Sir William Petty, and Sir William Temple, had greatly disabused the public mind respecting the malignant influence of foreign settlers. But considerations of a political character still produced a continuation of the former policy, and, indeed, they partly justified it. Accordingly, all the old laws against foreigners were retained, and they received an additional sanction by the celebrated Act of Settlement, which was passed in the latter part of King William's reign. Mr. Hallam remarks in the third volume of his "*Constitutional History*":—

> "The experience of William's partiality to Bentinck and Keppel, led to a strong measure of precaution against the probable influence of foreigners under the new dynasty; the exclusion of all persons not born within the dominions of the British Crown from every office of civil and military trust, and from both Houses of Parliament. No other country, as far as I can recollect, has adopted so sweeping a disqualification; and it must, I think, be admitted, that it goes a greater length than liberal policy can warrant."

And this, indeed, appears to have been the opinion of the very parties by whom the Act of Settlement was framed. For, in the seventh year of the reign of Queen Anne, they procured the sanction of the Legislature to an Act for the General Naturalization of Foreign Protestants. This measure gave to strangers a much wider latitude of naturalization than I have thought it advisable now to adopt. By its provision any foreign person, being a Protestant, might obtain all the rights of a British subject, without exception, by taking the oaths of supremacy and allegiance before any court of justice, and by paying the fee of 1*s.* This act was repealed under very peculiar circumstances. The party by whom it was passed having been dismissed from office, and Mr. Harley being in favour with the Queen, in 1711, a bill for repealing the Naturalization Act was sent by the House of Commons up to the House of Peers, and by that body it was rejected. In the following year, when Mr. Harley had destroyed the independence of the House of Lords by a large creation of Peers, the repealing bill was sanctioned by both branches of the Legislature, and became law. In the year 1751, a Naturalization Bill was again brought before Parliament, and received the earnest support of Lord Chatham, then Mr. Pitt. It passed through a committee of this House without much opposition, when, the Session of Parliament being hurried to a close in consequence of the sudden death of the heir to the Throne —the father of George 3rd — the bill was abandoned, and it has never since been revived. It is a great satisfaction to me, in bringing forward a measure of this consequence, to reflect that I have such high authorities in my favour; and that, whatever view the House may take of the proposition, that I cannot be open to the censure of occupying the time of the House by agitating any strange or ill-considered scheme of legislation. Indeed, Sir, if any reverence be due to the beacon of illustrious names—a principle for which Sir Francis Bacon, one of the greatest and wisest of mankind, contended within the walls of this House—a measure which was sanctified by the wisdom and patriotism and constitutional authority of Lord Cowper, Lord Somers, and Godolphin, and which, forty years after, was vehemently recommended to Parliament by the first and greatest of the Pitts, such a measure will receive from this House a candid and favourable consideration. Our laws in regard to foreigners residing in this country, which remain in nearly the same state as they were left on the death of King William, are more rigid, more inhospitable, than those of any other civilized country in the world. We have not, in fact, greatly travelled in this respect beyond the liberality of Pekin; and, unless we make haste, we shall, probably, be overtaken by the superior civilization of China. We seem still desirous to vindicate the description given of us when we were sunk in barbarism, *Penitus toto divisosorbe Britannos.* Our laws respecting foreigners at present stand thus:—No alien can hold land, or any place of trust or emolument under the Crown. By taking out letters patent of denization, a foreigner is permitted to hold land, but neither to inherit it, nor to transmit it to his children born prior to his denization. But he may still come to Parliament, and obtain a private Naturalization Act. The indulgence will cost him from 150*l.* to 200*l.* He can now hold lands, inherit them, and bequeath them to any of his children, but he is still cut off from most of the advantages, and all of the distinctions of social life. He can hold no place of trust or emolument, civil or military, under the Crown. He cannot have a seat in either House of Parliament, or at the Council-board, and, if he is a merchant, he cannot obtain the advantages of a British subject in his dealings with other countries unless he can show that he has resided in this country for seven years from the passing of this act, never having been out of it for more than two months at a time. These various restrictions and disqualifications are continually productive of the severest hardship and palpable injustice, especially in the event of marriages between foreigners and British subjects. I could mention many instances of this nature, which I am sure would command the sympathy of this House, but I think it better to confine my observations to the general principles with which we have to deal. Sir, I would ask, what is the use of these painful restraints? It is pretended that they are necessary precautions and safeguards against foreigners intermeddling with our national institutions. It is all a farce. We don't believe it. Certainly the Members of the Houses of Parliament cannot affect to believe it; for when ever a case occurs against which these statutes were specially meant to provide, we prove by our conduct that we consider those statutes to be, what at this time of day they certainly are, utterly idle and supererogatory. Here is a foreign person, a small merchant, the utmost attainment of whose ambition would be the office of exciseman or petty constable. I admit that we take adequate care that the constitution shall not be overthrown by this formidable character. By-and-by comes a foreigner of high dignity, of royal blood—husband to the Queen—almost wears a crown—capable of exerting, more than any other man, a prodigious influence on the political condition of the country: and what do we do? We immediately shove aside all these precautionary and protecting statutes, and we admit him by acclamation into all the rights and privileges of a British subject, without limitation or restriction. Of course, I am not objecting to this customary proceeding. I refer to it only to contend that if we can, with safety, and with advantage to the State, repeal these statutes, and dispense with these provisions, in regard to one so exalted and so powerful, that it is a mockery to pretend they are necessary for our safety in the case of the humble traders and the artisans. I have been asked whether, if we should induce foreigners to establish themselves in this country, any practical advantage would result from it, and whether we should not thereby aggravate that competition which is already so urgent among us in all the operations of active life? Sir, I not only admit that these are just and legitimate inquiries, but I fully concede that, unless I can answer them satisfactorily, I have no ground to stand upon, and that I have no pretence whatever for asking the sanction of this House or countenance of the Government to my bill. Assuredly it has been from no desire to parade an empty and abstract liberality of opinion that I have undertaken to advocate the measure. I do sincerely believe that it is a measure of real good and of sound practical advantage. I conceive, for reasons which I will immediately state, that the foreigners whom a ready access to our rights of citizenship would attract to this country would almost exclusively be merchants, manufactures, and artisans, and that they would never present themselves in this country in numbers which could justify any rational apprehension. Strangers settling in a foreign country, and especially in this, must always be exposed to many disadvantages as compared with the native inhabitants. Even when the law made no distinction between them, the social isolation in which they would be placed, their ignorance of the laws, the language, and customs of their new neighbours, must always be, not only extremely irksome, but positively injurious in all the business and occupations of life. Consequently, I imagine that few foreigners would ever come to this country for the purpose of settling here, unless they were confident they possessed some expertness in business, some proficiency in the arts, some skill in manufactures superior to what might happen to prevail here, the exclusive possession of which would more than counterbalance those other drawbacks to which I have referred. Foreigners settling now in this country, though usually distinguished by intelligence, industry, and activity, are not of the class whom an alteration in the laws of naturalization would be likely to attract here. They have usually come over to this country in very humble circumstances, as workmen in particular manufactures, or as clerks in mercantile houses. We seldom or enver hear of any master manufacturer or superior artizan settling in this country. Formerly, driven by the religious and political prosecutions of other states, they came here in crowds for refuge, and those refugees it was, those emigrants from the north of Italy, from the Netherlands, and from France, who laid the foundations of almost all we can now boast of in the manufacturing superiority of England. Such persons have no occasion now to seek an asylum in this country, and the harshness and jealousy of our laws present them no other inducement to come here. On the other hand, Englishmen settle freely in other countries, carrying with them and disseminating a knowledge of those arts to her proficiency in which Great Britain owes so much of her power and her station. For it is the policy of other states to encourage foreigners to settle among them—it is the policy of Great Britain to deter them. Now, Sir, I know that I should be wrong, I know that I should be overstating my case, if I attributed to the rigour of our laws only the infrequency with which foreigners of skill and capital establish themselves in this country. I am well aware that several causes conspire to produce that effect; but unquestionably the most powerful, the most influential, of those causes is the state of alienation and proscription to which they are condemned by our laws. In my opinion, this system is fruitful in nothing but evil. We know what has been the result of the reverse system whenever it has been tried. The history of Venice, the history of the Hanse Towns, the more recent history of Holland, the astonishing and romantic history of these and of all other states which have freely enrolled strangers among the body of their citizens, affords the most instructive evidence of the wisdom of such a policy. In an official document recently laid on the Table of the House, and drawn up, I believe, by the able pen of Mr. Macgregor, on the commercial statistics of Holland, there is a remarkable passage, which I will take the liberty of reading to the House. [Mr. Hutt read the passage, showing that the prosperity of Holland was in a great measure owing to the strangers who took refuge in that state.] Such was one of the secrets of the manufacturing and commercial prosperity of Holland: and so, Sir, it has ever been, and the great Creator of the world has surely not excepted this country from the common laws of nature. We should derive from a more generous treatment of foreign settlers what every other nation has uniformly derived from it—fresh facilities for manufactures, fresh resources for our commerce, and additional means for giving employment to our industry. But, Sir, the competition! Would not the influx of strangers increase the competition which is already pressing hard on domestic industry? Sir, two kinds of competition are before us. That which may take place within our own borders, among individuals—a competition stimulating ingenuity, promoting industry and exertion, suggesting improvements, and, by enhancing the quality of our commodities, enlarging the markets for disposing of them. This kind of competition is before us, and this we may take, or we must prepare ourselves for a competition far more formidable—I mean that which we must engage in with the superior skill of rival nations in the other markets of the world. If the foreigner is our superior in the fabrication of silks, of shawls, of velvets, of dyed goods, printed muslins, glass, &c., we must deal with that superiority in one way or another; we must either give way before it, withdraw from the market whenever it confronts us, or we must admit the foreigner to our homes, receive him as our instructor, and learn from him the secret of that excellence which has given a superiority to his countrymen. The latter course surely is the one which prudence and a sense of our best interests suggests. To me, indeed, it appears, that a ready interchange of abode among the inhabitants of different countries is the appointed means by which new arts, new discoveries, new additions to the comforts and conveniences of life, must diffuse themselves. It seems to me one of the benevolent instruments of the wise purposes of that Providence which has laid, in the reciprocal necessities both of individuals and of nations, the firmest groundwork of human society. This is the case which I venture to submit to the House. I presume to think that I have partly proved to this House that our laws relating to foreign settlers are at variance with the judgment of some of the wisest men who have ever adorned this country—that if at any time they were useful as safeguards to the state, they are useless now; and that we prove that we think them useless by constantly suspending and disregarding them—that they are repugnant to the policy of the most flourishing communities of other times, and to that of all the civilized countries of the present day—and, lastly, that while they are useless to our political institutions they are seriously detrimental to every other national interest, by obstructing that free introduction of foreign improvements and discoveries which is essential to our manufacturing and commercial prosperity. Now, Sir, if I wanted any other argument to recommend my bill to the House, I should draw it from the present circumstances of the country. There are persons who, looking at the economical evils that surround us—at our social, financial, and commercial difficulties—persuade themselves that we are approaching one of those great changes to which other states and empires have submitted before us. I do not share in any such dark apprehensions. In the unequalled energy of our people—in the yet unshaken resources of our industry—in our vast colonial dependencies—and, I will say it, in the honour, rectitude, and integrity of public men—I think the welfare of our country is yet secure. But of this I am quite sure, that if we are to hold on in our course of prosperity, it can only be by adapting every part of the machine of society to that increased exertion which it must be called upon to make, and by taking care that every incumbrance which clogs the free action, either of individuals or the community, is carefully and prudently removed. The right hon. Gentleman has announced it, as one of the objects of his policy, to increase the demand for labour, and to extend the commercial prosperity of the country. Who will refuse to acknowledge the wisdom of such a purpose?—who will refuse to co-operate in such an undertaking? It is from a belief that I am promoting that great national object that I have submitted this bill to the judgment of the House. I trust that the House and the Government will give it their sanction, for I know that the history of ages will attest that the progress of nations in the arts of civilization, and in all that ministers to the highest interests of mankind, has been more dependent on the freedom of their commerce, and on the liberality with which they have treated foreigners, than on any other circumstance beside. The hon. Member moved that the bill be read a second time.

Sir *James Graham* said, that, perceiving the auxious impatience of the House, which, considering the important subject that was coming on for discussion was most natural, he should trespass upon their indulgence for a very short time. He begged to assure the hon. Gentleman, that it was not from any want of respect for the elaborate observations which he had addressed to the House, if he failed to follow him upon all the topics he had touched upon. It was enough for him shortly to state to the House the reasons why, upon full consideration, it appeared to him and his colleagues that it was not expedient to give their assent to the further progress of this bill. He really must be excused for stating, that he was clearly of opinion the hon. Gentleman had failed to demonstrate any practical inconvenience arising from the law as it now stood. Every facility was given to aliens coming to this country to obtain from the Crown, by letters of denization, the enjoyment of most important rights. By that means, an alien was enabled to hold real and piersonal property, and to enjoy every rght, as regarded property, possessed by British subjects, except that of being able to take property by inheritance. If an alien sought to enlarge those rights, and obtain the right of inheritance, it then became necessary for him to get the consent of Parliament. Now, with regard to the difficulty of obtaining an ac of naturalization, he was really not quite certain as to the accuracy of that which he was about to state, but he believed that the process unde this bill would be as tsrdy, or at least as expensive as the process of obtaining from Parliament a bill of naturalization. He was of opinion that the course proposed by the hon. Gentleman would neither be more speedy nor less expensive than the course of proceeding by bill. In the first place, he must decidedly object to referring the question to a particular portion of the Privy Council; namely, the judicial committee of the Council, which was precisely that portion of the Council which was not responsible for advising the Crown. If reference ought to be made to any portion of the Council, it should be to that portion of it which was subject to responsibility, and at the same time possessed the special confidence of the Sovereign. But these were minor objections, on which he did not rely. Since the Revolution of 1688 the law had stood in the main as it stood at the present day. There was a short period in the reign of Queen Anne when the Act of Settlement passed at the Revolution was repealed. But that experiment made against the case of the hon. Gentleman. The experiment was tried for three years, but it did not meet with the approbation of the country, and the original enactment under the Act of Settlement was re-enforced. A natural jealousy was felt at that period against the possibility of foreign councillors being introduced to high stations in this country by court favour. Precautions were therefore taken against the possibility of such an occurrence, and no attempt had since been made to alter the law as then settled, except on one occasion during the reign of George the 2nd. Well, what was the shape in which the question now presented itself, no attempt having been made to alter the Act of Settlement since the reign of George the 2nd? He could not understand what was the practical grievance which was not met by the two arrangements he had already mentioned, namely, letters of denization, or the means of obtaining of further privileges by an act of naturalization, which in 999 cases out of 1,000 passed without opposition. But there did remain that great and important privilege which, according to the act of William the 3rd, no act of naturalization could confer, namely, the right of sitting in Parliament and at the Council-board. Now, his real objection to the bill was, that it went to repeal a provision in the Act of Settlement which he considered most wholesome. The hon. Gentleman had alluded to the opinion that we were at the eve of great and serious changes. Now, in his opinion, one of the simplest means of preventing great, and fearful, and awful changes, was to give resistance to petty and small changes like those now proposed, which were perfectly uncalled for, and which could not be defended upon any plea of necessity. He was convinced that it was the general feeling of the country—it might be a vulgar prejudice, but still he confessed he partook of it, and he believed that the people of the United Kingdom felt, that it was fitting, that the Members of their Legislature should be native-born subjects, and persons capable of taking into consideration their habits, their feelings, and their associations. The hon. Gentleman had made a quotation from Virgil, who spoke of this country, when its inhabitants were in a savage state, as being

> " ——— toto divisos orbe Britannos."

He would answer the hon. Gentleman by a quotation from the same authority, and say,

> "Tu regere imperio populos, Romane, memento;
> Hæ tibi erunt artes."

He was for British subjects being the Legislators of Britain.

Dr. *Stock* said, he had seconded the motion from a knowledge of the beneficial effects which had been produced by a similar system in Ireland. He doubted the accuracy of the right hon. Baronet's opinion as to the difficulty of obtaining naturalization by means of the authority of the Privy Council being as great or as expensive as by an Act of Parliament. But these were matters which could be better considered in committee.

Mr. *Aglionby* feared that the effect of the bill might be to sow discomfort in many families, and to unsettle the titles to many estates. He hoped, therefore, that it would not be pressed to a division. He entertained many objections to the bill; but after the opposition which had been offered by the right hon. Baronet, he would not state them to the House. Under the present system an Act of Parliament might be obtained, giving to aliens many of the advantages proposed by this bill, and giving them full protection. He greatly objected to any measure which would interfere with the contingent and vested rights of British-born subjects; and this bill would certainly have that effect, unless very stringent clauses were introduced to guard against it. He would not consent to an alteration of the law which would give to foreigners more extended rights than they had at present, but he would go as far as possible with the hon. Member to diminish the expences which were incurred in obtaining bills of naturalization.

Captain *Pechell* did not agree with his hon. Friend in his praise of the right hon. Baronet, who he thought had treated the hon. Member for Gateshead uncourteously, by stopping the bill in the present stage. Neither could he agree with that right hon. Gentleman, that the bill of the Member for Gateshead was for petty purposes. One of its objects was to get rid of the excessive amount of fees paid to the Attorney-general, the Solicitor-general, and other officers, which were a monstrous grievance. The lowest amount of these fees was 98*l.*, but seven persons might join in the same bill. That number had on one occasion, he believed, been exceeded, when the whole musical band of George the Third was at once naturalized. And was it not a monstrous grievance, that a man who had fought the battles of this country throughout the whole of the Peninsular war, and lost a limb, should lose the franchise because he was born of English parents in Germany. He knew of such a case, where the man who had been allowed to vote under the Reform Act, was objected to by the Conservatives. He thought, after the industry shown by his hon. Friend the Member for Gateshead, the Government would see the necessity of doing something on this subject.

Mr. *Labouchere* would support the second reading by his vote, if the hon. Mover carried the question to a division. His experience taught him, that there were many particulars in which the law pressed upon foreigners with unnecessary severity. As Government was determined to do nothing, he would vote for the second reading of the bill; not that he approved of all its details, but because he thought that it might in the Committee be reduced to a shape which would be unobjectionable. There was a broad distinction between admitting foreigners to seats in Parliament, and in the Privy Council, and allowing them the rights of property belonging to British subjects, and of which they were now deprived. Seats in the two Houses and in the Privy Council, he admitted, ought to be reserved to British subjects; but still much might be done to lessen the expense of naturalization, so that not only rich foreigners, but comparatively poor shopkeepers, should enjoy the advantage.

Mr. *Smythe* supported the motion. The right hon. Baronet had that night shifted his ground of opposition to it. On a former occasion the right hon. Baronet had opposed the measure, because he thought it would transfer a power from the Parliament to the Crown, which Parliament ought to retain. He now gave up that ground of opposition, and opposed the Bill because, he said, he wished to carry out the spirit of the Act of Settlement. The right hon. Baronet had appealed to prejudices which he was glad were almost if not quite obsolete. It was a proof of the enlightened and advancing spirit of the age that indifference to the subject had taken the place of that previous hostility which had been manifested against foreigners in bygone times. *Hostis apud majores invocabatur, quem nunc peregrinum vocamus.* No foreigner ever came to settle amongst us who did not think he possessed some advantages over the inhabitants of the country, and if he really did possess those advantages his settlement could not but be of advantage to the country. Mr. M'Culloch had stated, that such were the natural advantages possessed by the natives over foreigners, that no foreigner, unless possessed of superior skill, would ever come and settle amongst us; and he added, that the influx of such foreigners could not but be of advantage to this country. In the reign of Charles 2nd. no less than 126 foreign weavers had settled in Canterbury. The king had given them a charter, and their descendants were living at Spitalfields at the present day. This was one of those small changes which, if granted in time, was wisely granted—and the granting of which was necessary to prevent greater changes being demanded in our internal economy. The bill should have his cordial support, for it might be considered one more link in the happily lengthening chain of universal toleration.

Mr. *Ewart* said: Amidst the interruptions which the dinner-hour always produced in the House, he was only induced to rise for two reasons. First, he wished to confirm the statement of the hon. Gentleman (Mr. Smythe) who had preceded him, on the good results which might be expected from this measure; and that from a sufficiently-faithful authority—their own records — the "Parliamentary History" itself, which he would read, It was there stated, on the introduction of the bill in the year 1709, that

> "Other countries had vastly increased in riches by the French refugees settling there, but principally Great Britain, where, by the industry of the said refugees, several new manufactures had been set up, and others improved, to the great advancement of trade, and the total turning the balance thereof to the prejudice of France and benefit of this nation."

And further, that these foreigners

> "Had greatly contributed towards the support of the Revolution settlement, by their contribution to the public funds, having subscribed nearly 500,000*l.* to the Bank of England, and being reckoned to have nearly 2,000,000*l.* sterling in the Government."

So much for one point, the evidence of the past—in favour of the present measure. His next point was this—to correct (if it might be allowed him) the right hon. Baronet (Sir James Graham). The House knew that a measure similar to this in principle was introduced and passed in the year 1709. It was brought in by Mr. Wortley Montague. The right hon. Baronet (Sir James Graham) had stated, and stated truly, that it was repealed three years afterwards; but he had stated incorrectly that it was repealed because "it did not give satisfaction to the nation." The real reason for its repeal was, because it was introduced by the Whigs in 1709, This was a sufficient cause why it should be repealed by the Tories in 1712. Bolingbroke's party were then in power. The Whigs and Marlborough had been ejected, and this, not the "dissatisfaction of the nation," caused the repeal of the measure. A similar bill was introduced in the year 1751. Here again the Bill was dropped, but it was not dropped for the reason assigned by the right hon. Baronet—that it did not give "satisfaction to the nation." It was dropped because in that year Prince Frederick of Wales died, and, though brought in by the Duke of Newcastle's administration, the death of the prince interrupted, and, in fact, extinguished the measure. He (Mr. Ewart) had thus disposed of these two points; and now he came to the objections of his hon. and learned Friend the Member for Cockermouth. He admitted his hon. Friend's objection, as far as it went. But it was an objection of detail, It was an objection for the committee. It could not be urged as an objection to the second reading of the bill, which involved only the assent of the House to the principle and spirit of the measure.

Mr. *Hutt* was about to reply, when

The *Speaker* stopped the hon. Member. An amendment was, he believed, to be moved.

Sir *J. Graham* moved that the bill be read a second time that day six months.

Mr. *Hutt* in reply, observed that he had never conversed with any man who did not think the present state of the law was unjust to foreigners, and unworthy of the country, and of the liberality of the age. He read a passage from a petition, in answer to his (Sir J. Graham's) assertion that nobody had complained of the present state of the law. He thought that the right hon. Baronet had made a sneering speech, full of mis-statements, though unintentional.

Amendment carried. Bill put off.

CHURCH OF SCOTLAND—ADJOURNED DEBATE.] On the Order of the Day for resuming the adjourned debate,

Mr. *C. Bruce* expressed his concurrence in the statement that this was no party question, the interests involved were of a higher and more enduring character; and he believed, that the object of the hon. Mover, and those who supported him, was to restore peace and harmony to the Church of Scotland. If he thought that the measure would have the effect anticipated, he would not allow the mere circumstance of his sitting on the Ministerial side of the House, to interfere with the attainment of an object so beneficial. It was because he was convinced, that to carry the motion, would rather aggravate than allay religious dissension, that he opposed it. The present state of affairs was making the Church of Scotland a great evil, instead of its being a blessing, as it had continued for 150 years. He complained that one important party had been left out of view in the discussion—he meant such of the clergy as held moderate and constitutional opinions, as to the extent of the spiritual rights of the Church of Scotland. Reference had been made to a speech he had made in 1834; he could not answer for the correctness of the report of that speech, but the question in its present shape had not then arisen. The claims of the Church now were not only for its spiritual jurisdiction, but that they alone should be the interpreters of what was within their jurisdiction. Dr. Candlish stated on the 4th of February last, that no mere non-intrusion or anti-patronage measure would put the Church right, unless it secured to the Church a jurisdiction to determine for itself, and to regulate its own conduct in spiritual matters, and as to what fell within its own jurisdiction, leaving to the Court of Session to determine all civil matters. Now he contended, that any claim to spiritual power not conceded by the State could not be held good. The church had put forth its books of discipline, but they had not been recognised by the State; and when he looked at the claims there set forth, he did not wonder that they had not been recognised by a lay Parliament. The first book of discipline, however, had had one effect—it gave rise to the first covenant, which became so popular that the clergy, though frustrated in their intention, as set forth in the first book of discipline, had been obliged to adopt it as far as the State was concerned. All the claims of the Church were contained in the enactment of 1592, re-granted in 1690, both which acts might be called charters of the Church of Scotland. It was the duty of the civil magistrates, by law, to prevent schisms in the parishes, and the Court of Session only ordered the church courts to take the presentee, as the statute required, upon trial; if upon trial he should not have been found fitted, he was sure that neither the Church of Scotland nor any of the judges would have interfered. He was sorry to hear any Scotch lawyer, particularly the late Lord Advocate, hold up the law courts unjustly to reprobation. They sat there to administer justice. They did not go out of their way to bring causes, but when causes were brought before them, they were bound to decide. He thought that no Government would recommend, and no Parliament would ever sanction, the pretensions of the Church of Scotland, because if those claims were granted, they would establish a spiritual tyranny worse and more intolerable than that of the Church of Rome, from which they had been delivered. The demand which had been made was for the abolition of patronage. He knew it had been said, that it was not intended to abolish patronage by the veto law, but that it was intended to maintain patronage. But patronage was part of the compact between the Church and the State; and the proposal of the General Assembly went to impair the rights of patronage, to deal with the vested rights of patronage, and to a breach of that compact. He did not wish to set up the vested rights of the patrons as a bar to future improvement; if they showed that great benefits would be derived from the abolition of those rights; but those who sought improvement should show first, that the system which they wished to abolish was bad, and that the majority interested in it desired its abolition; and secondly, that the system they would establish would support the object they sought to attain. The parties had utterly failed to prove both conditions. Under the present law it was asserted, that there was nothing to prevent the intrusion of the most unpopular presentee; but he thought that the law did prevent this. The patron could only choose from one class of persons, the licentiates or probationers of the Church. The Presbytery might have been deceived in the character of the person they had admitted, the party might have become an improper man, but could a patron intrude such an improper person on the parish? No. The Presbytery was obliged to take the party on trial in matters of doctrine, morals, and learning; notice was given to the parish to which he was to be appointed, objections were invited, and if those objections were established to the satisfaction of the Presbytery they were bound to reject him. It was almost impossible that an improper person could be intruded into the Church of Scotland. But the law did lay upon the Presbytery a great and responsible duty, from which the Presbytery wished to shrink; they desired to hand it over to the parishioners, without any limit to the capriciousness with which it might be exercised. They proposed to give the power, not to the whole parishioners, but to a particular class—it was given only to such heads of families as were communicants. Now, the clergy alone had the power to admit to, or to exclude from the sacrament, and thus they had the power to increase or diminish the number of those who should exercise the veto. He did not say that this power would be abused, but it was too great a power to trust to the Church. As an instance of what might take place, he would mention that on the retirement of Mr. Mackintosh from Dagleish, his right hon. Friend below him (Sir James Graham) appointed a gentleman of high character. Out of a parish of 1,700 souls there were only ten communicants, and a majority consisting of six, a large proportion of whom could not write their names, vetoed that gentleman. Thus worthy and estimable men were rejected, and put to great anxiety by this most absurd enactment of the veto. But then it was said that the veto had worked well. To be sure, it had worked well at first, but what would be the result after a little while? The case of Dagleish was a pretty good example of what the result would be. He had, however, little satisfaction in dealing with the veto at all, and he, therefore, passed from it. It was said, that the people of Scotland were in favour of this change. He entirely differed from that view of the case. No one would deny that ninety-nine out of one hundred of the proprietors of land in Scotland were against the claims of the dominant party in the Church of Scotland. He might be told, perhaps, that a large number of these were Episcopalians. This might be; but still he knew, that a large portion were great supporters of the scheme of Church extension, and that no class had subscribed more; not only, therefore, would the carrying of this plan separate parties from the Church, but it would alienate the feeling of those who were separated before. He denied also that the majority of the middle classes in Scotland were favourable to the veto; he believed that they were generally averse to giving greater power to the clergy. He thought that the character of the periodical press showed this. The whole of the periodical of Scotland, with the exception of five or six newspapers, established by the dominant party in the Church of Scotland to advocate their views, were opposed to the veto. Was not that some proof of the feeling of the middle classes? The editors of the periodical press were as able and as intelligent a set of men as existed in connection with the press; he knew many of them, and he was sure that they would not advocate in the press a principle which in their breasts they disavowed, but he did not think that they would continue to write in such a sense and in such a direction as would lose their circulation. His conclusion, therefore, from this state of the press was, that the middle classes were against the veto. They were attached to the Church as established by the constitution, but not to the new-fangled Church which was now attempted to be established. The poorer classes had no feeling about patronage, except that they were in favour of such a restriction of patronage as would give them an efficient control over their ministers. A considerable number, no doubt, believed that the claims advocated by the Church would lead to a change of the law which would give them this power, and he was not surprised that they advocated it. But the main feeling was raised by the cry that the Church was in danger; and this had most probably raised a support. In one parish a minister told his congregation that one party advocated the cause of our Lord and Saviour Jesus Christ, and that the other party advocated the cause of Satan, and then called upon his parishioners to sign the petitions. Another clergyman had told his congregation only to conceive the danger of the King of the French being in correspondence with Queen Victoria, for the purpose of bringing back the Pope as the head of the religion of England. [" Name, name."] He would not mention the name, but he thought it his duty to write to the clergyman in question. The people were much alarmed at the report, and when they inquired what answer her Majesty had given, it was said that "it was kept secret." He thought that this was an attempt to disparage her Majesty and her Government. The clergyman, in reply to him, had denied many of the statements made against him, but he admitted that, in the course of his observations, he did mention that a report was current that so and so was the case, and that he had mentioned it to the people. That was the way in which the people were gulled. He held in his hand a letter from Mr. Forbes, a clergyman, who wrote of the state of agitation which now prevailed. He said, that perversion of the truth, gross exaggeration, slander, insinuations and daring bravado, if not actual sedition, had been brought to bear upon the people, by the aid of glowing eloquence employed in the name of religion. These means were chiefly employed amongst the lower classes of the people, and it was to the claims of men who thus conducted themselves that concession was required to be made. The reformation of the municipal corporations in Scotland had introduced new members into the General Assembly, and to the exertions of these persons he believed that all the unhappy controversy which had arisen was attributable. The Government had been reproached for not having introduced some measure to settle these disputes. They had had small encouragement to undertake such a measure; but he thought that they had shown the most anxious desire to procure some adjustment of the question. A bill was brought in by the Earl of Aberdeen, in another place, upon the subject, and since then the right hon. Baronet the Secretary for the Home Department had shown the greatest willingness to do everything short of conceding those vast claims which were made by the General Assembly; and last year he had even exhibited a disposition to go further than many hon. Members who supported her Majesty's Government. If the Church took rational and proper steps—if they rescinded the veto law, and put themselves in such a position that measures might be taken on their behalf, and abstained from resisting the law of the State, then, indeed, some good might be done; but it was unreasonable that those who were violating the law should require those whose duty it was to administer the law to take the first step towards an amelioration of their condition. He was confident that when the Government did settle the matter, they would avoid everything like penal enactments against those who had maintained the superiority of the Church in obedience to their own views; and he trusted that they would contrive to evidence their determination to maintain in spirit, and to extricate from their existing difficulties, those members of the Established Church, who, in compliance with their duty, had given the valuable example of obedience to the existing law; for they might depend on it that if they did not do so, they would not satisfy the majority of the people of Scotland.

Sir *George Grey* would state to the House as briefly as possible, the grounds on which he proposed to support the motion of his right hon. Friend. That motion invited the House to the consideration of the petition addressed to it by the General Assembly of the Church of Scotland, stating the difficulties under which the church laboured; and he was sure that he spoke, not only his own sentiments, but those of the House, notwithstanding some few observations which had fallen from the hon. Member who last addressed it, when he said that, whether with regard to the character of the petitioners, or to the important interests to which their petition related, it deserved and would receive the most respectful attention from the House. The hon. Gentleman who had last spoken had attempted to lead away the House from the consideration of these important interests, and to distract its attention from them by adverting to some extravagant acts and speeches in some isolated cases which in the heat and din of controversy might have been committed and spoken in certain parishes in Scotland. If those statements on which the hon. Gentleman had relied were true, he should condemn them as much as the hon. Gentleman himself; but they were not now assembled for the purpose of crimination, or recrimination, but to consider seriously the perilous condition of the Church of Scotland; to avert, if possible, the fearful calamity which was apprehended; and he trusted that the House would feel that if the heat of controversy had desecrated the sacredness of the pulpit—had degraded the dignity of the judgment seat—it was the more imperative on them to leave no effort untried, to interpose their authority, to remove those difficulties which prevailed, and to restore the Church of Scotland to that position which it was most desirable on every account that it should hold. When he said that he was sure that this petition would receive every attention from the House, he did not think that hon. Gentlemen who differed from him as to the course to be taken were to be blamed. He admitted the full force of those objections which pressed on some Gentlemen — which weighed with some friends of his own, men of high authority and judgment, and from whom he could differ only with doubt and hesitation; he appreciated the full force of their objections to vote for the House going into committee on this subject, founded on a conviction that they should be unable to support the propositions which would be submitted to them in committee as the basis of a legislative measure. If he concurred with the Government in a feeling that a stand was to be taken on the law as they have stated it, and that it was impossible to contemplate any legislative remedy, he should think that it would be but a mockery of the petitioners, if out of mere respect to the Church of Scotland they went into committee under the pretence of considering the allegations contained in the petition. But agreeing in a great measure, though not altogether, with his right hon. Friend he felt that he was bound to vote in favour of the committee. He was not there to consider the probability of the measures which were to be advanced being rejected or adopted by the House; but if he was prepared to support the remedy which was proposed, he was bound, on that account, to enter into this committee, fully prepared to give practical effect to his vote by following it up by further measures. With regard to one, at least, of the points brought before the House by the petitioners, he was prepared to go the full length of acceding to their claim. There were two points on which they addressed the House; one wherein they set up a claim to exclusive jurisdiction in matters ecclesiastical; the other as to the sanction by legislative enactment of the principle of non-intrusion. He should take leave, in discussing them, to reverse the order in which they were brought forward, and he should begin with the latter point, because that was a point on which he confessed that he entertained no doubt as to the course which he should feel it his duty to pursue. He was prepared to say on this point, that and if his right hon. Friend should propose a resolution calling on the House to sanction the principle of non-intrusion, to such a resolution he should give his cordial support. It might appear somewhat presumptuous in him, who unconnected as he was with Scotland, might be supposed incapable of forming a correct judgment on the question, to express this opinion, but he had had some advantages, which other hon. Gentlemen representing English constituencies might not have possessed, and which might in some degree fit him for the consideration of this question. He had been a member of the committee of this House, appointed in 1834, upon the motion of Sir George Sinclair, to consider the law of patronage in the Church of Scotland. As a member of that committee he had given all the attention of which he was capable to the subject, and he had heard men, of the greatest eminence both at the bar and in the Church of Scotland, examined before it upon the question. In that committee Lord Moncrieff was examined; and reference had been made on the previous evening to the evidence which Lord Moncrieff had given. He gave his testimony fairly, fully, and candidly, and he was sure that if hon. Gentlemen had read the whole of his evidence, that learned individual would not have been charged with inconsistency, in giving that evidence, and then going to Edinburgh to propose that measure to the General Assembly, which, being seconded by Dr. Chalmers, was adopted, and was now known by the name of the Veto Act. Lord Moncrieff adverted to that measure in his evidence —he made no secret of it, and he stated that he supported it, that he approved of it, and that he was to bring it forward. Lord Moncrieff did not go the length of those Gentlemen who then advocated the total abolition of patronage, and the committee, in accordance with the feeling of the House of Commons, in the debate of 1833, when the subject was discussed, seemed to be of opinion, that no better terms of compromise could be agreed to than the course advocated by Lord Moncrieff. He remembered well the impression produced on his own mind at the time by the evidence he then heard. Questions were put with a view to show the danger to be apprehended from placing the power of the veto in the hands of the people, and he heard men who had for years been labouring among the people in remote parishes of Scotland, answering these questions by the expression of their firm conviction, from their intimate knowledge of the people, and of their attachment to their Church, that this danger was imaginary. And what was the state of the case now, after this act had had some trial? He believed, indeed, that the Veto Act had been the cause of those dissensions which now existed in the Church of Scotland, but not on account of the dangers which were apprehended in that committee—not on account of the impolicy of the act, but owing to the want of competent authority on the part of the Assembly to pass the act, a defect which might and ought to have been remedied by Parliament. He could only say, for his own part, that he regretted most sincerely that at an earlier period parliamentary sanction had not been given to the act, for if such had been the case, he believed that none of those events which had now arisen would ever have had existence. He would now refer to the practical working of the act. A return had been moved for not long since, by his right hon. Friend, of the number of parishes which had been settled under the Veto Act, and of the number of parishes in which this right of veto had been exercised. It appeared that, from the year 1834 to 1840, there were 275 parishes settled under the act, out of which in only twelve cases had the veto been resisted. But in eleven, at least, of these twelve cases he was entitled to say that the veto had not been improperly exercised. Two hon. Members who were anxious to make the strongest case against the practical working of the act, had yet been driven out of 275 parishes, to cite each the same case, admitting, by the most conclusive negative evidence, that there was no other instance on which they could lay the finger of complaint. What was this case? The hon. Member for Newcastle-under-Lyme having recommended a gentleman to a living, a majority of the heads of families in communion with the Church being only seven in number exercised their right of veto, with a view to the appointment of Mr. Cooke, from Inverness, there being nothing to show that they had any other desire than to promote the interests of the parishioners. It was admitted that nothing could be stated against Mr. Cooke, neither did he doubt the qualifications of the candidate recommended by his hon. Friend; but assuming that the latter was a man who ought to have been at once accepted, were there no instances under the present law of patronage in which a man who had lived for years in a parish on the miserable stipend of a curate, and who, by his conduct, had gained the respect and affection of the whole of the parishioners was set aside from the living, against the wishes and entreaties of those amongst whom he had so long laboured, merely that the patron might have the opportunity of exercising his right in favour of some friend or relative. Would the hon. Gentleman be prepared to try the practice prevailing either in the English or Scotch Church by such a test? But it was said, that the same persons having once vetoed a most fitting and proper person, for the sake of Mr. Cooke, on the next presentation proceeded to exercise the same power with respect to another candidate recommended by the hon. Member for the county of Elgin. Now, what are the facts of this case? He believed that this parish contained 1,700 inhabitants, of whom from peculiar causes a small number only attended the parish church, and that the rest had long attended the ministry of Mr. Cooke, and the communicants only expressed the ardent desires of the majority of the inhabitants when they entered the veto against the other gentlemen, presented that Mr. Cooke's valuable services—as they at least regarded them—should be preserved to them. If these were the facts of the case —and this, be it recollected, was the only instance that had been quoted of the bad working of the Veto Act—he had a right to maintain the opinion that the practical evils said to attend the operation of the act were imaginary, and that the fears that had prevailed had been proved to be unfounded. But he was told, that he was to be met by a practical difficulty in supporting a proposition for legislative sanction to the principles of the Veto Act. The right hon. Gentleman the Secretary for the Home Department said last night, that even if the House went into committee, and the majority chose to adopt the resolutions which his right hon. Friend intended to propose, the matter could not proceed, as he could not introduce a bill founded on them, because the previous assent of the Crown would be necessary; and the right hon. Gentleman added, that entertaining the opinions which he did on the subject, he could not take the responsibility on himself, as a Minister of the Crown, to advise its assent to the bill. He did not complain of the right hon. Gentleman for referring to the sanction of the Crown, and he believed that the right hon. Gentleman with the opinions he entertained was justified last year in the course which he took with regard to the bill of the hon. Member for Argyllshire, as the consent of the Crown ought not to be given by a Minister for the mere purpose of allowing a debate on a measure to which the Government are opposed. He was sure, however, that the right hon. Gentleman would consider that he (Sir G. Grey) was not acting inconsistently with this opinion in now supporting the motion of his right hon. Friend for a committee, and for voting for the resolutions which he would propose in it, should it be granted, and in continuing to vote for any measure founded on them till the time arrived for the objection to be taken respecting the consent of the Crown; for he, until then, had a perfect right, as a Member of that House, to vote in support of such proceedings as he believed would be likely to prove a remedy for the present evils. He should support such a resolution as his right hon. Friend would propose in committee, if he had an opportunity of doing so. If that course should be assented to, and the resolution adopted, he believed that his right hon. Friend would be entitled to move an address to the Crown to grant its consent to the introduction of a bill, and he was sure that the right hon. Gentleman opposite did not intend that they were precluded from such a course of proceeding, or from taking the opinion of the House in this way upon the principle of a measure to give effect to the Veto Act. He (Sir George Grey) thought, therefore, that he was justified in supporting his right hon. Friend in going into committee, having this clear and definite object before him with regard to the principle of non-intrusion. He wished now to say a few words with reference to the first point involved in the petition, namely, the freedom claimed by the Church of Scotland from coercion and interference in matters purely ecclesiastical. He confessed that on this point he did share the jealousy with which the right hon. Gentleman the Home Secretary regarded a claim of this nature. He agreed, that in the history of other times, and in past ages, and in connection with other churches, ecclesiastical courts had advanced maxims, and had endeavoured to act upon principles, which were totally incompatible with the existence of civil government, and he had no wish to give a new power or increase the jurisdiction of ecclesiastical courts in determining cases connected with the civil government of the country. He did not, however, think that the request made in the petition of the General Assembly was open to the objection which was raised by the right hon. Gentleman, or that what they asked for was so unreasonable as it had been represented to be, although he confessed he could not help seeing the great difficulty that would exist in framing the provisions of an act of Parliament, on this part of the case. Their request, as he understood it from their own statement, as well as from the exposition of their views given in that House by those to whom their case was entrusted, was for exclusive jurisdiction in matters purely ecclesiastical, and this was on all hands agreed to; but beyond this they asked not for an exclusive jurisdiction in deciding what matters were civil and what spiritual, but only for a concurrent jurisdiction with the civil courts. All that the General Assembly now asked for, as he understood the matter, was that the civil courts should not have exclusive jurisdiction to determine what were ecclesiastical matters and what were not, but that the ecclesiastical courts might have the same power and jurisdiction. He confessed that the line of distinction between civil and ecclesiastical questions must often be necessarily narrow. He admitted that it was most difficult to make any clear and broad distinction between civil and ecclesiastical matters, so as to embody the subject in an act of Parliament. It could not be denied, that with respect to some acts, it would be most difficult to draw a line, and in some cases it would almost unavoidably happen that both courts would claim a jurisdiction. He thought that the way to maintain perfect harmony under such circumstances was by mutual forbearance, but especially by removing as far as possible occasions of conflict, and he believed that the first step that should be taken with the view of obtaining this object was the assenting to the Veto Act, and thus taking away at once the great source of the existing dissensions. When however he was told that they had no power of obviating the difficulty of determining as to what were not, and what were ecclesiastical matters, he could not overlook the notorious fact, that at present, many cases were determined before the civil courts, which they were told by all parties involved purely ecclesiastical matters. It was admitted that in questions purely ecclesiastical the Church alone should give judgment, but this was constantly set aside by the proceedings in the civil courts. His hon. Friend had mentioned last night that at the present moment there were seven parishes in Scotland, in which, by an interdict of the civil courts, the exercise of spiritual functions, the preaching of the word of God, and the administration of the sacraments was prohibited to clergymen, acting under the authority of the General Assembly, and that without any reference to the right to use the parish church, or to receive a stipend. Could there be a doubt that this was interfering with matters that were purely ecclesiastical? In the declaration which was published by the party dissenting from the majority, they expressed their regret at some of the decisions of the civil courts in questions of this kind, and he found that this opinion was participated in by the hon. Member for Newcastle-under-Lyme. Although, then, they could not, perhaps, in every case accurately define, for the purposes of legislation, what were civil and what were ecclesiastical matters, still he thought that they might advantageously go into committee to endeavour to provide a remedy for such cases, and to restrain the civil courts within those due limits which it was generally admitted they had overstepped. Having thus stated, as briefly as he could, the grounds on which he should vote for the motion, before he sat down he could not help adverting to the circumstances under which the matter was brought before the House for its decision. He cordially agreed in the expression of opinion on both sides as to the almost incalculable advantages which the Church of Scotland had conferred on the people of that country. Believing as he did that that Church had equally with, or if not more than any other, fulfilled the end of its establishment in conciliating the affections of the people, and instilling into their minds veneration for the laws of God and man, and looking at the long array of its ministers and elders waiting our decision, and assuring us, that if it should be adverse, they will be conscientiously obliged to separate from that Church, (and there are names among them which are a sufficient guarantee for their sincerity), and considering the blow which such a secession would inflict on the efficiency and stability of the Church, he could not help imploring the House not indeed to adopt a measure, or to sanction principles which, on mature consideration, they believed to be injurious to the real interests of the country, but at least to pause, and seriously to consider whether, even at that late period it might not be possible for Parliament to take some less fatal course than the rejection of these claims, and to derive some means for averting so fearful a calamity.

Mr. *James S. Wortley* said that, knowing the intense interest that was taken in this subject in Scotland, he felt called upon to state the grounds upon which he refused to assent to the proposition of the right hon. Gentleman. If entertaining, as he did, a marked feeling of respect towards the clergy and the Church of Scotland could influence him in his vote, it must have the strongest possible influence in the present case, but he felt that by supporting the motion he should be giving his sanction to a principle of which he could not approve. The right hon. and learned Gentleman who had just sat down stated that he should vote for the motion on the principle that he could sanction the Veto Act, and, therefore, he would go into committee. He (Mr. Wortley) could understand this proceeding, but could not bring his mind to approve of the Veto Act, he could not follow the same course and give his sanction to the motion. But there was another reason, however, which influenced his mind. The General Assembly put forward a distinct prayer for the alteration of the rights of patronage now existing, and that, indeed, to be carried to such an extent as to be virtually the forfeiture of the right of patronage. If they went into committee for the consideration of this and other matters, they must, by the act of going into the committee itself, give a partial sanction to the demands made, or at least give a stimulus to the party, which was not without numbers and power in Scotland, for the total abolition of patronage in that country. For this and other reasons he could not assent to the motion; but he feared that some of those who felt obliged conscientiously to oppose the motion would be accused of being actuated by feelings of hostility to the Church of Scotland. This, he believed, would be the case with many who did not at once adopt the views of the right hon. Member for Perth, who was supposed to be identified with the extreme party. Before he proceeded farther, he hoped that he might be allowed to congratulate the Church of Scotland on the feeling which had prevailed throughout this debate, and the avoidance of all party feeling, with a solitary exception; for it was with extreme regret he heard the hon. Member for Renfrewshire introduce into the discussion matters purely personal and political, regarding the hon. Member for Newcastle-under-Lyme, in the letter which he read. He would not be induced by any such topics to follow the example of the hon. Gentleman. He admitted that no one was justified in making the assertion that the right hon. Member for Perth had used the language of intimidation with regard to the separation of a large body of the clergy from the Church of Scotland, but this had been done by other Members. He would ask whether any one could contemplate the result of such separation without alarm, and more especially after listening to the touching language of the right hon. the Secretary for the Home Department as to the effect of such a proceeding on all the relations of society, and in the great additional burthen that it must cast upon the country, by reducing so many families to poverty. He did not speak merely of the ruin of the Ministers, but, still more, of the unhappy widows and orphans, which they probably would leave behind them. He trusted that it might not be so, but he feared that the most unhappy consequences would follow the adoption of such a proceeding as was contemplated, when the Church of Scotland would be deprived of half of its most able ministers, and when throughout the country almost a religious civil war would be established. Such were the consequences that appeared before their eyes; it, therefore, became the House to consider well how it proceeded in this question. He believed that much misapprehension had prevailed as to the origin of these proceedings throughout the whole course of the debate. He had no doubt in saying that all the difficulties had arisen not so much from the judgment that had been given in the Auchterarder case, as from the *dicta* that had been laid down with respect to that case. If this inconvenience also could be shown to have arisen from the veto, and from the violence of language to which it had given rise, was it not possible that if this was corrected the other evils which had arisen would subside? Before 1834 the law was, that before a minister named by the patron could become the settled minister, he must have what is termed a call, but this was little more than a matter of ceremony, because, for upwards of half a century, the call of one or two persons in a parish was held to be amply sufficient. In 1834, which was a time of great political excitement, there were two parties contending in the General Assembly, and they combined to enact the Veto Act. One of these parties entertained opinions similar to those of the right hon. Gentleman who wished for the abolition of the law of patronage; the other party to which he alluded did not support an abolition of the law of patronage, but they supported the Veto Act, with the view of diverting attention from the question of patronage, and of getting rid of the agitation of the subject altogether. How different now were the opinions of the chief of those who voted for the Veto Act from what they were at the time it passed! Amongst others, Dr. Chalmers said that if he and those who acted with him could have foreseen the consequences of passing the Veto Act, it never would have been carried. If this was the opinion of Dr. Chalmers in 1839, and if he was desirous of inducing the heads of the church to abandon the veto, and to resort to something else, he trusted that the advice of the hon. Member for Leith would make the same impression in Scotland as it had in that House, and that they would see the wisdom of abandoning the law and retracing the steps which they had taken. He did not think that the Parliament should require this as a preliminary, but he trusted that the advice of the hon. and learned Member would have its proper weight with them. From the period of the Confession of Faith, in 1560, up to the present time, it had never been the law, in Scotland, that the mere arbitrary and unreasonable dissent of a congregation should operate to the exclusion of a presentee. The right of patronage had existed in Scotland, in the qualified form there prevalent, for upwards of two centuries; and was it possible to suppose that such a form of patronage was really injurious to the establishment there, or offensive to the consciences of its ministers, when for so many generations they had acquiesced in its continuance, and when the results and fruits of the system were allowed to have been so happy and beneficial. He considered that the law of Scotland had been truly embodied in the answer of the right hon. Baronet, and he would beg briefly to state to the House what he believed that law to be. He was of opinion that, on the presentation of a minister by a patron, it became the absolute duty of the presbytery, under the Act of Queen Anne, to take the presentee on trial; and afterwards to qualify him, if he should be found to be without reprehension, as it was called, as to manners, morals, literature, and doctrine; and if the objections which might be made against him by the congregation should be found to be grounded on causeless prejudice. It was equally clear that it was open to the congregation to make any objection they chose. He believed there was no class of objection which might not be laid before the presbytery, but on the presbytery rested the responsibility, the heavy responsibility of deciding upon the objections so made. And, it was contended, there entered into their business, not merely the ascertaining the qualification of the presentee as to his morals, manners, literature and doctrine, but also it was within their province to see to his fitness for the particular parish to which he had been nominated; to which was added, the metaphysical distinction of suitability and acceptability, for though a man might be "suitable," he might not be "acceptable." In his opinion, this latter objection, as to inacceptability, though not of itself sufficient to operate as a bar to the presentation, came decidedly within the consideration of the presbytery, whose duty it was to say whether the objection that the presentee was "unacceptable," as well as that he was "unsuitable," was grounded upon causeless prejudice. The presbytery, in his judgment, had a decided right to take this point also into their consideration, and to make it an element of of the decision to which they should come. He conceived that the dispute rested on very narrow grounds. He believed that the law of Scotland, as it had long existed and as it now stood, was an ample and perfect security against any improper use of the rights of patronage. He believed that the presbyteries, generally composed of sincere Christians, men anxious for the best interests of their church, and disinterested to a most remarkable degree, would exercise their duty conscientiously, and that by their careful application of the laws now existing in their behalf, there need be apprehended no danger whatever to the Church. In reference to the conflicting jurisdictions of civil and ecclesiastical tribunals, he would admit that it was difficult to say with exactitude what the sphere of each and all the courts was. As to the Church courts, no doubt, it was quite clear that their sphere was within the Church itself, for the regulation of its own body, of its own corporation—he did not use this word technically—but the functions of the civil courts extended in some cases and for some purposes throughout the state. In various regulations of the Church of Scotland itself, the interference of the civil courts with that Church was admitted to a certain extent; in some instances the Church had claimed the aid of the civil courts, calling in the arm of the civil law to enforce the authority of the Church; but this, he must add, was only in slight and unimportant cases. In the cases under the consideration of the House, it appeared to him that, certainly by some unhappy influence or other, the civil courts had turned aside from the path in which they should have kept themselves, and that in these interdicts and in these judgments which were so bitterly complained of, they had gone farther than the law of Scotland warranted. As yet, however, none of the more objectionable decisions had received the sanction of the House of Lords. There was so much confusion, or rather so much misunderstanding, so many difficulties between the laity and the clergy, in understanding what were the proper limits between the two jurisdictions in these particular cases, that it had become the necessary duty of the Legislature to make it plain to the subject what was really the law by which the respective courts were to guide their proceedings. An act of Parliament, based on just and reasonable principles, would meet with the ready and grateful acquiescence of the large body of the Church. If by any fatal influence—to put an extreme case—Parliament should be induced to pass an act, for instance, to regulate the mode of administering the Holy Sacrament in Scotland, where the mode of administering it was altogether different from that practised in the English Church, to compel the ministers of the Scottish Church to administer the Holy Sacrament in a manner opposed to their conscientious convictions; then, indeed, no one would blame them for refusing their assent to so cruel and unjust an enactment; and were they, under such circumstances, to do that which they now threatened to do, leave the ministry of the Church altogether, rather than, as members of the Church, act against their conscience. But the feeling of the Church would necessarily be very different from this, were the Parliament to come forward, as he trusted it would still do, and give the Church the assurance that it had never been, and was not, the intention of the Parliament, as the highest authority, to invade, or sanction the invasion of the undoubted, the exclusive, the independent jurisdiction of the Church courts within their own province, or to force on the Church any regulations which were offensive to its conscience. It was at present but too true, that in Scotland a very general opinion prevailed, that there was going on a systematic encroachment, on the part of the civil courts, upon the ancient rights of the Church, and that if the congregations did not take a decided step, the independence of the Church would be destroyed for ever; nay, the very existence of the Church. To satisfy the minds of the people of Scotland, of those followers of ministers who now stood on the verge of a precipice, an act of Parliament was essentially necessary to declare what, in reality, was the state of the law. He trusted, therefore, that the Government would reconsider the matter. As to the motion before the House, he could not vote for it, though he did not know that he should vote against it; but he was at the same time deeply impressed with the conviction that something decisive should be done without delay. He believed that the state of feeling on the subject in Scotland was not at all overstated by the hon. Gentleman, who said that, since the Reformation, the country had not been in a more serious position, in reference to its religious condition. It was not merely the social—it was not merely the private, the internal, the worldly condition of that people, that was in question; he fully believed that the spiritual condition of that kingdom was in great peril. It is admitted on all hands that the Church of Scotland, as it had now so long existed, had been of the very greatest benefit to that kingdom; and he trusted that even yet the strong hand of Government would be interposed to rescue the Scottish people from the peril by which they were now so imminently threatened. This was not a question for negotiation; there had been negotiation enough; what was wanted was a mediator—a mediator strong in its own sense of justice, in its consciousness of being able to form a just opinion on the question, and strong in the means to carry its final purposes into effect. They had a Government of this description now, and he trusted that Government would consent to act as this so much desired mediator. If they were to come forward now with a measure, founded not on the views of either extreme, but on just and sound principles, he believed that the large majority of the clergy and people of Scotland, on both sides of the question, would accept that measure with gratitude. If Government did not come forward with such a measure, he trusted there would yet be found among the representatives of Scotland, among the representatives of the nation, some one who would endeavour to rescue the Church of Scotland from the dangers which threatened her, by embodying in a resolution, or in a measure, some suggestions of a practical and just nature for settling this most momentous question.

Sir *A. L. Hay* considered, that on every principle of sound policy, as well as of justice, the House should agree to the motion of his right hon. Friend. The inquiry must, at all events, suggest some means of averting the threatened calamities. If it were only the secession of the great body of the clergy of Scotland that were to be apprehended—much as he respected them—deeply as he appreciated the benefits they had conferred on the people of Scotland—were their secession to be the only consequence of the step which they were now meditating, he should, perhaps, think more lightly of this question, and advocate it with less zeal than now animated him; but when they knew that the great portion of the population of that country, whether right or wrong, were determined to follow their ministers, and to secede from the Church of their fathers, the matter then appeared to him to assume a character which put forth imperative claims for full examination. He did not say that the ministers of the Church were right; he only said that the country was not in a good condition. There had been considerable agitation, and with some effect It was said that the people cared less for the subject than formerly, but this was not the case. He lived in the midst of the agitation, and he could say that it was not decreasing, but that the people were becoming more determined to secede than ever, if their claims were refused. He agreed, cordially and entirely, in the views of non-intrusion which were announced by the right hon. Member for Devonport (Sir G. Grey.) He was not now a non-intrusionist for the first time. He had been a non-intrusionist, with some qualifications, since 1827. He then thought, and he still thought, that the people should have a voice in the election of their pastor; and that the system of Calls should be made efficient. The Government said it would not take any part in this dispute, because it could not see its way, because the parties did not agree; but whenever such disputes did arise, how was it possible for the people to agree? He called on the Government and the House to legislate; he called on them also to make haste, or, by their negligence, more mischief would be done in Scotland than ages would suffice to repair.

Mr. *A. B. Cochrane* said, that however much hon. Members on either side of this question might differ as to one point, there was still one other point on which they all appeared to agree, viz.—the necessity for legislation upon the subject. They all too, appeared to agree as to its great importance; and it was, indeed, a sad picture to witness that body, which was the child of the law, set itself up against the law—to see that body, which was the creature of the State, place itself in hostility to it. If the question, as submitted to the House, depended on the memorial which had been transmitted to all its Members, he thought no Gentleman could have any difficulty in forming an opinion upon it. Every man must have been struck, on the one hand, with the usurpation of that party calling itself the Church-party in Scotland, and, on the other hand, with the lucid perspicuity of the reply to that memorial by the right hon. Gentleman, the Secretary of State. He trusted it was not presumptuous on his (Mr. Cochrane's) part to state, that it was his opinion that that paper was as comprehensive a document as could possibly have been issued upon the subject, and that it completely met the question. There was, however, one point to which he was anxious to refer. The first consideration was as to what was the present state of patronage in Scotland; and no party, he would maintain, could possibly require a more popular form of church government than that which now prevailed in that country. It consisted of the kirk-sessions, and of presbyteries, composed of elders of the Church, the election of which elders the congregations had the option of opposing. And here it was a point worthy of notice, that it was necessary at the same time that the grounds of any objection to their election should be stated. Now a Presbytery was composed of a number of different parishes; and every patron in Scotland must, in presenting a person to any parish, present one who had undergone examination, and the Presbytery must say whether, having undergone such examination, he was qualified or not. Now, that Presbytery being composed of elders of the Church, he would maintain that it was impossible to have a more popular form of imposing a minister over a parish. Now, what were the claims of the Church? This system to which he had referred having lasted for several years, it so happened at last that when the reform agitation commenced in England, the agitation of this dispute in the Church of Scotland commenced in that country. Dr. Chalmers said in 1833 that he was willing that the people should have the right of objecting to a presentee, on stating the grounds on which such objections were made. But, in 1834, the Church party went further, and said, that they claimed the right to object to a presentee without the necessity of stating any grounds at all. And here was the chief point at issue. In 1833 what was the opinion of Dr. Chalmers as to the feeling of the country upon this subject? He said at that time, "patronage was never acted upon so well as it is now." He said, "it might have been inexpedient to have passed the Veto Act, but having done so, we must keep to it." Now, suppose a case of translation of a minister from one living to another, what ground of silent objection could be alleged against him to preclude his admission into such parish? He was unwilling to trouble the House by going into acts of Parliament, but he would ask the right hon. Gentleman whether there was any act since 1567 which supported the claims now put forth by the Scotch Church party. There was no act which vested in the people the right of objecting, and the only authority for such a proposition was the first book of discipline. Now the doctrine there laid down had never been sanctioned by any authority or vote of Parliament, and yet the right hon. Gentleman referred to the act of 1592 as the charter of Scotland, although it was provided by that act,

> "That if qualified ministers, presented, either by her Majesty or the lay patrons, were not admitted, the lay patrons should have a right to claim the whole fruits of the benefice."

This, then, was the charter of the Scotch Church, and if so, it clearly was not an authority to show that the right of objecting against a qualified minister so presented had ever been vested in the people themselves. He was struck by the remark of the right hon. Gentleman, that at the period of the Revolution it was intended that Presbytery should be re-established; but was the House not aware, that though King William was willing to have episcopacy in Scotland, the settlement alluded to by the right hon. Gentlemen was the act of a minority. In the Articles of Union no reference was made to the question of lay patronage, and this Mr. Hallam clearly showed. Now, with respect to the subjects of jurisdiction and patronage, the hon. Members opposite would place these matters in the hands of the Assembly; but the question was, were they to give the Assembly a jurisdiction which would place them above the civil courts, above the State, and enable them to establish their own system of patronage. He thought this was a concession which could not be made, and they never had separated religious from political government. No religious convulsion had ever taken place without involving political considerations, and this was demonstrated in a letter to Louis Quinze, in reference to the progress of republicanism in France, and in which it was said, that—

> "All the different kinds of liberty are connected. The philosophers and Protestants tend towards republicanism as well as the Jansenists, the Protestants strike at the root, while the others lop the branches, and their efforts, without being connected, will one day lay the tree low."

He did not consider Voltaire a great authority upon religious subjects, but how did he describe the political effects of Scotch Presbyterianism? He said—

> "At an unfortunate moment Presbyterianism established in Scotland a kind of republic, the coldness and savageness of which is even more intolerable than that of the climate."

And he continued—

> "The Dutch put on the yoke of dissent when they threw off that of Spain; and Geneva became republican when she became Calvinist.'"

In Scotland religious and political discussions had been particularly united; and in proof of this, what was the language of Mr. Burke, in his speech upon American taxation? In that speech Mr. Burke said—

> "The people were Protestants, and of that kind which is the most adverse to all implicit submission of mind and opinion. The dissenting interests have sprung up in direct opposition to all the ordinary powers of the world. All Protestantism, even the most cold and formal, is a kind of dissent; but this is the dissidence of dissent, the Protestantism of the Protestant religion."

Upon what, he would then ask, were the pretensions of the Church party founded?

Upon acts of Parliament? Assuredly not; for no one act since 1567 could be cited in support of their claims. Upon the antiquity of their court? Why, the Court of Session was instituted in 1425; that of the General Assembly not until 1560. Nor upon common law; for the House of Lords here stepped in, and had given judgment against them, although these ambitious churchmen had now the effrontery to declare, that they never appealed to that high tribunal, but merely appeared before it, in order that they themselves might explain and declare the law. If their own law, founded upon error or injustice, could avail, without any higher authority, why had they so frequently appealed to the sanction of Parliament? And if any peculiar degree of sanctity attached to the acts of the General Assembly, did they not, at the period of the secession in 1733, distinctly uphold the act of 1712. He knew not upon what the pretensions of the Church party were founded; but he did know to what they tended. The argument of the popular veto—the cry of non-intrusion—was raised merely to face the garment of their tyranny with some fine colour. He said it openly, the object of the Church was to take the whole power into their own hands; the ambitious views, concealed under the mask of benevolence, were fully explained from a passage in the first book of Discipline:—

> "Altogether it is to be avoided that any man be violently intruded upon the congregation, but violent intrusion we call not when the Council of the Church, in the fear of God, offereth unto them a sufficient man to instruct them."

The past made him tremble for the future, and he had an intimate conviction, founded upon the testimony of all history, that fixed and certain results are never to be attained by an uncertain and unstable policy; and that partial concessions always lead to partial settlements. In conclusion, he would not be misunderstood as reflecting in the least degree upon the abstract doctrines of the Scotch Church. Whatever might have been their origin, however nurtured by revolution, still in their infancy and origin they were well suited to impose upon enthusiastic imaginations. It was a graceful and beautiful doctrine which taught men to regard the whole earth as one Church, and bade them gather together in no edifice raised with hands, but in the secluded valley and on the mountain heather. Yet he was but a shallow politician, who thought the human heart was altogether independent of human agencies, and thus legislated upon abstract theories, unmindful of all the passions, prejudices, and interests, which were ever existing in active life. Wherever there was a field for power there would always be ambition. It might assume different characters, but he could only say, that if they were to be over-ridden by ecclesiastical domination, he should prefer it accompanied by the splendour and pomp of the Roman hierarchy, he for one would prefer the arrogance of the Church of Rome to the hypocrisy of the Kirk of Scotland. It mattered little to him what shape ecclesiastical domination assumed, and he must say, that if they enconraged the present attempt to place the Ecclesiastical Court of Scotland above the Civil Courts—above the House of Lords—they would be erecting the Assembly of Scotland into a despotism of the worst kind. Ecclesiastical power tolerated no rival, and was unfavourable to liberty. It had deposed kings, and now claimed the right of placing ministers to secure its own supremacy. He hoped, however, that the present attempt would fail, and that the Government would adopt some measure which would have the effect of combining the good feelings of both parties, if such a thing were now practicable. Nothing, he was satisfied, could be worse than the present state of uncertainty, and if the concessions asked for were made, his belief was, that they would inflict a most serious injury on the Church itself, whilst those who might secede from it would place themselves in a contemptible position.

Lord *John Russell* said: I agree with my right hon. Friend who introduced the motion, and with every other Gentleman who has spoken on it, as to the great importance and great difficulties of the subject, and I should have hardly thought it necessary to declare the pain and sorrow I feel at knowing that a great number of intelligent members of the Church of Scotland, thinking their rights to be infringed, come to this House, and ask it to agree to the terms they propose, declaring, if these terms be not acceded to, that they must cease to be members of the Church, thereby occasioning a most serious calamity. I should hardly have thought it necessary to express on this occasion my concern and sorrow, were it not for the strong terms and phrases which fell from the hon. Member who spoke last—for what I consider a great calamity likely to be entailed on the empire, and particularly on the northern part of the island. I look with sorrow on those men belonging to the General Assembly who have presented a petition to the House, complaining that they have rights which they are not allowed to exercise, and duties which they are not allowed to perform. I feel the more for them because I perceive that they passed the Veto Act, as was stated by my right hon. and learned Friend the late Lord Advocate of Scotland, by the advice of a learned person connected with the law, by his station, of no party, and connected by his family with the Church, Lord Moncrieff, so that they did not doubt they were acting for the best. At the time, too, when they passed the Veto Act they received the approbation, not solemnly given, but declared in Parliament, of the noble and learned Lord who then held the great seal of England. They had every reason, therefore, to suppose that the Government then in existence approved of their conduct; and the short administration of the right hon. Gentleman, which took place in 1834-5, did nothing which made them believe that there was anything contrary to law in what they had done. Beyond that, they gave the strongest proof of the sincerity of their belief in the declaration which they made to Parliament of their opinion of those terms prescribed by the courts of law, declaring that if it were decided that those terms should be adhered to as the basis of the connection between the State and the Church of Scotland, that they should be unable to remain members of that Church consistently with their principles. They told the Government that they must give up the profession to which they are devoted; they must give up the profits of their profession; they must give up the residences that are dear to their hearts; they must give up all their connection with the State. And here I cannot help comparing their conduct; after what has been said by the hon. Member—I cannot help comparing their conduct with that of some others who have laboured to reconcile their conscientious convictions with their continuance in connection with the Established Church; and who have preferred twisting the articles of religion in accordance with their own views, when they found that the opinions laid down are not those which they conscientiously embrace, to determining at once to forsake the Established Church, with which they no longer agree. I have thought it necessary to say thus much after the denunciations lately made, in order to express my concurrence in that general and almost universal feeling of sorrow which prevails on this subject. I will now state my opinion on the question before the House respecting the Church of Scotland, and respecting the General Assembly. I certainly could have wished, with respect to the main question at issue, that either my right hon. Friend who brought the subject before the House, or my right hon. and learned Friend the Member for Leith, had been able to clear the course for us, and showed us how we are to proceed; but on that point they have not stated anything satisfactory. My right hon. Friend, and my right hon. and learned Friend, dwelt very much on the claims of the Church of Scotland to exercise an independent jurisdiction—a jurisdiction independent of all other jurisdictions—in all ecclesiastical and spiritual matters. They had separated this question of jurisdiction from the Veto Act and from the other question of non-intrusion. I cannot treat any question coming before the House as a question of an abstract nature. I cannot deal with abstractions, with regard to the ecclesiastical and spiritual independence of the Church. I cannot see what advantage would follow from any resolution which my right hon. Friend might propose, merely asserting some abstract principle, with respect to the spiritual jurisdiction of the Church of Scotland, or how such a resolution is to have a practical effect, either with regard to the Church or the State. I do not consider that we are here to deal with or decide upon abstractions. I can only look at this question in the way in which it has arisen, at the causes which have produced it, and at the practical object of any resolution which can be proposed. Taking that view, I must agree with the right hon. Baronet, the Secretary of State, that this question of spiritual and ecclesiastical jurisdiction seems to have been brought into contest of late years, chiefly on account of the Veto Act passed in 1834. I must look at the question in connection with that act, and the consequences which have followed from the passing of that act by the General Assembly. But, with respect to the question abstractedly considered, the General Assembly state in their claims various acts of Parliament (alleged to have been confirmed in the Act of Union) wherein it is stated that the Church is to have the sole and entire jurisdiction with regard to ecclesiastical and spiritual matters. Now, I can only understand those acts as applying such matters as long as the acts connected with them are confined to spiritual concerns. The fact to which I allude, is an impeachment which took place nearly a century and a half ago. If there be anything more particularly within spiritual and ecclesiastical jurisdiction, unquestionably it is in the preaching of the Gospel by the ministers of the Church. Dr. Sacheverel preached two sermons, one at Derby, and the other in the City of London, which he asserted to be founded on the Gospel. So far as those sermons related to matters of religious doctrine, there was nothing which the House of Commons, or any civil tribunal, could take any notice of; but they did contain also political matters, and made certain statements with regard to the right of resistance and of passive obedience, which were thought inconsistent and incompatible with the Constitution of this country. Therefore the great leaders of party in this House at that time denounced those sermons, an impeachment was voted by the House of Commons, and after hearing able arguments in the case, Dr. Sacheverel was convicted and punished by the judgment of the House of Lords. I refer to this case to show that however you may make abstract statements, and lay down rules that certain things are only to be done by ecclesiastical authority, and shall come only within ecclesiastical jurisdiction, yet you cannot say, that persons exercising such jurisdiction shall ever be allowed to trench on matters cognizable by the civil courts, because those matters happen to be connected with ecclesiastical concerns. To come more immediately to the point before us, which concerns the admission of ministers to benefices in Scotland, so far as that admission is regulated by ancient statutes, and so far as it is an ecclesiastical procedure, it would not be proper that any court of law should interfere with the functions of the spiritual courts. But it appears, that in 1834 the Church affixed certain conditions to the admission of ministers, with regard to the assent or nonassent of the congregation to be committed to their charge. Now, these conditions were, at all events, admitted to be something new. It has been admitted by my right hon. Friend, that from 1782 to 1834 nothing of the kind existed in the Church of Scotland; neither did anything of the sort exist from 1736 to 1782. From 1712 to 1736 the admission was governed by an act of Parliament, which said that patrons should have a certain right of presentation, and that persons presented should be admitted according to the rules of the Church. From 1690 to 1712, ministers were appointed by the elders and heritors, and the Presbyteries might take notice and might decide on any reasons offered by the congregation for refusing the minister presented. Considering these various statements, it must be admitted, that from the period of the Revolution (from 1690 to 1712) no law at all similar to this Veto Act existed in Scotland. An hon. Gentleman who has spoken this evening, and others, have admitted that no such rule as that of deciding by the will of the people, without reasons, was ever effectually in force. Certainly I have never seen the reverse of that proposition successfully maintained. In all the declarations of the Assembly, and all the pleas put forth on behalf of the Church of Scotland, I cannot find that anything similar to the Veto Act ever existed at any time in the Church of Scotland. Now, if we are to admit that the Church in 1834 could lay down certain conditions which, because they related to the admission of ministers, should, thereby, be valid and effectual, we must come to the further conclusion, that the Church might impose other conditions of a similar kind—such as placing the election of the patron in the hands of the congregation, or, in fact, have re-established the act of 1690, giving the election to certain parties, with a controlling power to the congregation. No man who asserts that the act of 1834 was within the competence of the Church, and that such regulation is binding on the clergy and country, can deny the inference that the Church might adopt any method of making the will of the congregation paramount in the nomination of ministers. What is the consequence? The consequence is, that the act of 1712, an act of the British Parliament is, if the Veto Act be allowed, totally and entirely set aside. The right of presentation may be virtually taken away, and the act of Parliament which gave it to patrons may be made a dead letter. I do not know how my right hon. Friend is to deal with this difficulty, or how, admitting the right of the Church to impose conditions, he can shrink from these extreme consequences. It appears to me to be a constant error and fallacy to assume, that because the Church had power in matters purely ecclesiastical, therefore, with respect to all things having any connection with, or relation to such matters, the Church may step in and convert them into spiritual affairs, over which it is to have exclusive jurisdiction. I cannot assent to claims laid down in such broad terms, or even with the limitations placed to them by my right hon. and learned Friend, the Member for Leith (Mr. Rutherford). My right hon. and learned Friend said, it was not true that the Church had any supreme power. He said it was not true that the Church claimed the power of declaring any matters to be ecclesiastical which it chose to consider so; that all which it claimed was to have its jurisdiction valid so far as spiritual matters were concerned. But I cannot conceive that the connection of Church and State can be carried on on such terms. In ordinary times, when the current runs smoothly, there may be no difficulty, or perilous consequence. But when a case like that of the parish of Auchterarder arises what is the consequence? We have one minister admitted by the Assembly, and allowed to preach God's Word, and to administer the sacraments, and another minister presented by the patron, and holding the glebe and the stipends. The former is the spiritual, the latter is the civil minister of the parish. Such a connection of Church and State cannot be one of union and co-operation, but of discord and hostility. It must perpetuate what every one on each side of the House has deplored, differences amongst families, disturbances in parishes, social misery, spiritual calamities, the disruption of the most sacred relations, and all that mischief which every Member who has spoken has deeply regretted. Can there be a worse state of things, than to have one set of Ministers representing the Church, and exercising spiritual functions, and depending, I suppose, on the contributions of their flocks, and another set acknowledged by the State, but destitute of influence with the people, receiving the stipends appointed by law, doing nothing, and for their uselessness held up to public odium? Therefore, instead of finding any comfort in the solution of these difficulties, proposed by my right hon. Friend, I still feel it necessary to beg of Parliament to put an end to a state of things so calamitous, that in one way or other, whatever the way may be, they will prevent such calamities as I have spoken of. My right hon. and learned Friend the Member for Leith made one admission which I was glad to hear from him, because I think it tends to a temperate consideration of this question. He admitted that, according to his opinion, after the decision of the House of Lords in the Auchterarder case, the General Assembly was not justified in maintaining the Veto law. That is a most important admission, because most of the present embarrassments have arisen from its perseverance in maintaining that law. When Lord Aberdeen did me the honour to speak to me with respect to the bill which he proposed, I told him I thought nothing could have greater authority than a decision of the House of Lords. I thought that discussions in Parliament, where different political parties would take adverse sides, would not have so much weight as the opinion of the learned persons who would give judgment in the House of Lords. I thought such a judgment would have great influence in Scotland; but I need not say I have been completely disappointed in that anticipation. Since that judgment the case of the Strathbogie ministers has occurred. Those ministers came to London, and saw various persons; amongst others, I had the honour of seeing them; and they stated the difficulties in which they were placed. It does appear to me, that in that case, those persons were hardly used, and that the General Assembly did not sufficiently consider the painful nature of their position. They were men who had entered the Church long before the Veto Act of 1834, was thought of, when patronage was the general law of Scotland, and when, although the Call was considered part of the established theory of the Church, popular consent was not necessary for admission, Those men endeavoured to obey the act of the Assembly of 1834. They did in fact obey it. In consequence they received a legal judgment upon the case. They state in their petition that the Court of Session prohibited them (in May, 1839) from acting in obedience to the Assembly's act; that they were called upon by the Lord Ordinary to withhold their statutory duty; that they conceived they were bound to obey this decree, conscientiously believing that all ministers of religion were bound to conform to obligations imposed by statute, and to obey the directions of the superior courts on matters which the House of Lords decided to be within the cognizance of those courts. In December, 1839, the General Assembly proceeded to suspend those ministers from their office, expressly on the ground of their intending to obey the law—suspended them for contumacy against the authority of the Church—and after the petitioners complained to the Assembly, they were ultimately deposed. Upon this ensued what was complained of on the other side as something of an excess of jurisdiction in the civil courts, proceeding to interdict a minister by the process of the civil court, sent by the General Assembly in the parishes of the suspended ministers from performing the functions of his office. What a condition of unhappiness and dissension! But I must say, that when the Assembly found the House of Lords, the supreme civil tribunal, had decided with respect to the Auchterarder case, their conduct was not justified—their duty was to have withdrawn the Veto Act; and then, whatever remedy they sought, whatever they wished to be done to give effect to what they considered the principles of the Church of Scotland, they should have sought that remedy like other subjects of this realm, by petition and the use of argument alone. They should not have attempted to enforce their own decrees against what was declared to be the law of the land. They should have conformed as other subjects do to that law. They would, I think, have been in a far better situation, and have had a far better case with reference to that part of the question which relates to non-intrusion, if when they found that the principles of ancient statutes had fallen into desuetude, and that some means were necessary to give to the congregations the power that properly belonged to them, they had come regularly before Parliament and asked them to apply a remedy. I know, for my part, that being then in the Government, and very anxious to determine what should be done, I found that both by the persons in office and out of office to whom I spoke, that the first observation made by them was,

> "Let the Church of Scotland place itself right before the country. Let the ministers of that church, if they wish for an alteration in the law, consider the matter sought to be changed, and the manner to seek for it; but let them not attempt, by their own force, to carry into effect that which is against the law; while, at the same time, they ask of Parliament to change the law."

Was it not, and is it not, a reasonable objection? That it is reasonable, I can no longer doubt, when the hon. and learned Member for Leith—the first and foremost, and the most able of those who have undertaken the defence of the General Assembly of the Church of Scotland and their claims, admits that the Assembly was wrong in their proceedings. With respect to the question of the veto on non-intrusion, looking to the various acts of the church of Scotland, it does seem to me that there is no certain ground for assuming that the mere will of the congregation—that is, an unreasoning and unreasonable objection on the part of a congregation—was at any time to be allowed to operate as a positive veto in the Church of Scotland. I do not think that it has been established that such ever was the case. After listening attentively to the whole of the arguments that have been offered, I do not find that such ever was the case. But, although it may not have been the case, yet it is to be considered as a question in itself—as a question of expediency—as a question concerning the welfare of the people of Scotland—and as a question concerning the integrity of the church—it is for Parliament to see what it can do in this respect. For my part, I see many objections to granting the power to the full extent that it is claimed. It appears to me, I own, that when the first application was made for the Veto Act to be enacted by Parliament, that if we were to take that on the terms on which it was simply passed by the general assembly, it would have the effect, if there were some favourite candidate who had got an interest in the parish—then every other candidate, however well suited he might be for the parish, or whatever his qualifications, would be refused, and the patron would be obliged to present the favourite candidate, or the presentation must fall by the *jus devolutum* into the hands of the Presbytery. It then appeared to me the case, on the other hand, that the bill proposed by Lord Aberdeen would not have been a good settlement of the question; for it appeared to me, that that bill gave too much power to the church. It gave the power not to a majority, but to any person in the congregation to make objection, and for any reason, however frivolous, to call upon the Presbytery to interfere, and the Presbytery were enabled to give validity to that proceeding. It appeared to me, that if ever there was an opportunity, which I confess I am most anxious to see, for the settling of this question, I should be most desirous to see it settled; but, as I said, not only when in office, but also last year, when the present Government was in office, that if even it was settled, that the power must be given to the congregation of making an objection, that the Presbytery should judge of that objection, that the objection should be a real one, and that it should be one against the usefulness of the minister. I think a power to make a valid objection should be given, and a minister not placed if it were valid. This has been stated to be the old practice, but now, as to the objection of the congregation, it may be made not to refer to his morality or his character, it may not be proposed to him or his doctrines, or to any circumstance which might make the minister unsuited to the parish. If a minister be presented to a parish, where the people speak nothing but Erse, and he know nothing of Erse, that would be a valid cause of objection, or if it be an extensive and hilly parish—if it extended over many miles, and a minister be proposed, however well calculated to edify them by his doctrines, but by ill health disabled from journeying more than a mile and a half from his house, that also would be a good objection. An hon. Gentleman who spoke to-night, and to the greater part of whose speech I listened with great pleasure, the hon. Member for Bute (Mr. J. S. Wortley) observed, that, beside the question of suitableness, there was also the question of acceptableness. That is a question, which may be considered with certain bounds. I should be afraid that, if this point were comprised within your law, it will give power to caprice, to wilful objections, to causeless prejudices, or, to what is still more likely, to operate in favour of some person who has been canvassing the parish, and who might turn out after the experience of half a year to be such' that the parishioners themselves had committed a fault in preferring him, and that the person proposed by the patron would have been a more useful, a more able, and a more edifying minister of the parish. With the opinions, then, that I have stated, I look to that which is likely to be proposed by my right hon. Friend. So far as I understand his intentions, he would propose a resolution, or resolutions, declaring the ecclesiastical and spiritual powers of the church, with regard to ecclesiastical and spiritual matters, he would likewise propose some resolutions, I suppose, to be the foundation of a future law, whereby the will of a congregation would be made to decide upon the placing of a minister. These propositions I do not think could be the ground of a happy settlement of this question. I do not think that a mere concession to what is proposed by the assembly, after the unhappy collisions that have taken place on this subject, would give satisfaction in Scotland. There is a large party who must be considered, who differ from the interpretations that we have heard contended for as to the constitution of the Church of Scotland, who would feel deeply dissatisfied with such a settlement. It is to be recollected, that on the part of the Church, there has been a very vexatious interference with many parishes in Scotland. I cannot conceive anything more distressing to a minister of the Church, who has obeyed the law, as he understood it, when he entered upon his change perhaps thirty years ago, to find himself from obeying the law suspended by the Church. It is a fact, that several ministers, pious, and excellent, and unimpeachable men, because they did not agree with the majority of the assembly, have had other ministers sent to their parishes, taking away from them the means of their efficiency amongst the people, dividing into parties those who hitherto had been unanimous and making the Church, of which they were the peaceful and admitted pastors, the scene of contention and discord. The only settlement I can see of this question cannot be effected, by giving an entire and complete triumph to those who have acted in opposition to the law; at the same time I agree with the hon. Member for the county of Bute in hoping, that although the proposition of my right hon. Friend may not meet with the concurrence of this House, that the Government of the country do not despair of being able to propose some legislative measure on this subject. I must say, that even looking to what has been decided by the courts of session; looking to the differences that prevail amongst the judges in Scotland, —looking to the differences that prevail amongst the ablest members of the Church of Scotland, that this is a fitting case for legislative interference. At any rate it is worth while to make an effort to prevent a great calamity, the accomplishment of which I am sure all would deplore, were it to ensue from the non-settlement of the question on some satisfactory basis. I do not care whether the number stated by those who are most in favour of the petition of the General Assembly are accurately stated as the number of those who would leave the church; but of this I am convinced, that there are many of the ablest, best, and most pious ministers of the church, who, if you should shut the door to reconcilement completely, would think it their conscientious duty to leave the church. I have said many able and pious ministers. There are two of them whom I have heard in the pulpit, though I am neither a Scotchman nor a member of the Scotch Church—I mean Dr. Chalmers and Dr. Candlish—men in their separate ways as well fitted to expound the word of God, to enforce the obligations of morality, and to lead the people in the ways of the gospel as any men belonging to any church in any part of the world. There are others most distinguished for talent, others who have furnished an example for the piety and purity of life to the parishioners amongst whom they reside. I do hope that the time is not past—that it will not be past after this vote has been given—to render it impossible to adopt some measure which may yet, in a great degree, preserve the unity of the church. I own too, that so strongly was I impressed with this feeling, that I suggested to some of my friends, to whom I was speaking a few days ago, that perhaps it might be right to propose, as an amendment to the motion of my right hon. Friend, that an humble address should be presented to the Crown, suggesting that some endeavour, even at this time, should be made to avert the destruction of the Church of Scotland. I may add that, on reflection, I did not think it would be right in me to take that course. I know not what difficulties the Government may have found in its way. This I am aware of, that when I was in office I found very great difficulties, and there never was a time which I could consider favourable to propose a settlement to Parliament of this question, that could be satisfactory. I cannot say, therefore, now that others are in power, what their information on the subject may be, and therefore I would not take it upon me to do that which might embarrass them in their course, by proposing anything, even though I conceived it to be founded on just principles. They, I conceived, might have such difficulties in their way, there might be such reasons operating on the mind of the Government, that though they might agree with me in the general sentiment on this subject, yet they might feel, by my interference, their course made more impracticable and difficult than it was before. I mention now, however, the intention entertained by me, because it manifests the feelings with which I approached this subject. I really think, that of the various questions that have come before us for many years, this is one in which the evils are most pressing, and the remedies for these evils most difficult. Let me say, however, that for my part I do not despair, and I trust that when the right hon. Baronet the First Lord of the Treasury does to-night address the House on this subject, that whatever arguments he may use, in opposition to my right hon. Friend—I do trust that nothing will fall from him to prevent the House, or a great part of this House, from entertaining the hope that the calamity which we all fear, may be averted, and that a church, which is, and which has been, so eminent—which has performed its duty so well to the people of Scotland—and of which the talent and the morality of the people of Scotland are the best and the most enduring proof—will be preserved, as heretofore it has been preserved, for the use, and as an example in times to come.

Mr. *Campbell* stated that he should be sorry that anything that fell from him could be calculated to disturb the harmony of the debate; but on referring to the speech of the hon. Member for Bridport, he could not but say that it was unworthy of notice. As to what the hon. Member said of the church which he praised so much in its origin, it was to be regretted that a child of so much promise in the beginning, should have grown up to be an arrogant and contemptible hypocrite as the hon. Member said. He must refer to what had fallen from the hon. Member for Newcastle-under-Lyme. — During his short sitting in Parliament he had observed that nothing was so valuable to members, but nothing so difficult to maintain, as consistency. The hon. Member last night made it a charge against the church that they should claim to have the will of the congregation set up as a barrier against a presentee, and in his pamphlet, entitled "*Hints on the Church Question,*" the hon. Member had put forth similar sentiments. Now, what said the hon.

Member at the election for Kilmarnock last year? Why, he said there he would gladly support the Duke of Argyle's bill, which was based on the principle of dissent, and dissent alone, when free from factious motives. The hon. Member, speaking at Kilmarnock, and referring to a charge made against him of being favourable to patronage, added,

> "And what did this monstrous anomaly, (alluding to an epithet applied to his conduct), and what did this monstrous anomaly do? Why, he supported Sir G. Sinclair's motion for the abolition of patronage, even at a time when the people of Scotland did not wish it.",

He had only quoted the hon. Member's own description of himself, and he must say he had fully earned his title, to be called a most monstrous anomaly. When his boast to the electors of Kilmarnock was contrasted with his speech of last night, he was, indeed, a monstrous anomaly, and his anomalous conduct was of such a character, that he would not, he might rest assured, be able from this day forth to cast off the imputation. He left the hon. Member to his own principles if he could find them. He would now apply himself to the grave question before the House. He thought that no hon. Member who had spoken had answered the arguments of the hon. Member for Leith. They had heard much with respect to the meaning of spiritual independence, and hon. Members seemed very much puzzled to arrive at the true meaning of the term. But let them look at the views entertained last century upon the subject, by the legal authorities who had pronounced upon it, and it would not be be difficult for hon. Members to find out where spiritual stopped and civil began. The judges of the last century had settled this matter when they laid it down that the civil courts could adjudicate the right to the stipend, but could not order admission to the spiritual office. Lord Moncrieff too, had decided, that the placing of a presentee in a church, by the civil powers, was an infringement upon the spiritual independence of the church, inasmuch as the necessary ceremony of induction—equivalent to ordination in the episcopal church, was of a spiritual nature. It had been said repeatedly during the debate, that non-intrusion was a novel principle in the constitution of the church of Scotland. And that the heads of families had no right to object before the Veto Act. Now, the *Second Book of Discipline* laid it down as

> "An essential principle of the church that no minister shall be intruded on any congregation either by prince or any other person contrary to the will of the people."

To show, too, that the principle was not a mere dead letter, he would lay before the House the mode by which it was given effect to from the time of the Act of Settlement passed at the period of the Revolution. An hon. Member had stated that the heads of families were never acknowledged as having a voice in the selection of a minister until the time of the veto. He begged to state that the principle was acknowledged by the act of 1690, and had been in use ever since. The form of the "Call," ran in the names of the "heritors, elders, and heads of families in the parish." But what was the opinion of an Episcopalian upon the point; of an Episcopalian Bishop of the time of Charles II., when Episcopacy was dominant in Scotland? What he was about to state would show how deeply-rooted was the non-intrusion feeling in the Scotch heart. Bishop Leighton in a letter to the parishioners of Stretton, said, that he being informed that he had the right of presentation to the parish, had selected an individual for the situation whom he believed to be every way qualified to fill it; but, he was so far from obtruding himself on the parishioners, and he the Bishop was, so far from obtruding him, that, unless they assented to his appointment, they might rest secure from having any more trouble about him. Could any one now deny that the non-intrusion principle had been long an essential principle of the church? He would next refer to some expressions of the noble Lord who had preceded him, which seemed rather to require explanation than call for contradiction. The noble Lord laboured under a misapprehension with respect to the conduct of the General Assembly in proceeding against the Strathbogie ministers. With respect to this matter the old story had been rung in their ears about the Strathbogie ministers having been deposed for obeying the law of the land. Now, they were deposed, because they insisted on obeying the law in anticipation, when their own superior courts had told them that they must stand still, until they were actually compelled to proceed. Were not hon. Members aware of the solemn vow of of ordination which bound Ministers to conform to the orders of their spiritual superiors? Some hon. Members, who had spoken, expressed themselves content with Lord Aberdeen's bill, others held it to be quite insufficient; but he would say, as a friend to the right hon. Baronet at the head of the Government—as a friend to the Scotch Church, and the country, that the ambiguous, doubtful, indirect course of legislation which had been of late recommended would never settle the question. They stood by a principle, which they contended to be inherent in the church—a principle as old as the church, and one by which it would stand or fall. He would implore the right hon. Baronet near him to endeavour to settle the question. A serious responsibility rested upon any Government which had the power of settling the question, but neglected to put that power in operation. The Scotch Church, and the friends of the Scotch Church, did not insist upon dictating what should be the law, nor did they persist in saying that they would disobey the law. They asked the Government to declare what should be the law. They told Government that it had a right to say on what conditions the Scotch Clergymen should receive their stipends and other temporalities. They never denied that; but they did deny that the civil courts had any right to decide upon what would be the resolution of the Legislature. The friends of the Church of Scotland could not sin against God by disobeying the law of the land; but at the same time they could not sin against God by disobeying his own law. It had been said last night that the pretensions of the church were utterly unreasonable—that they ought to be extinguished. He did not think them quite so absurd; and they could not now—they never could—extinguish the principle of civil and religious liberty in Scotland. He would conclude with remarking that the people of Scotland, notwithstanding the evils in which they were likely to be shortly plunged, had at least this consolation, that Scotland was to be honoured as an instrument in the hands of the Almighty of bearing witness to the truth, and of experiencing martyrdom for its sake. It was not for the first time that such had been the case, and he would implore the Ministers to obviate the evils which were so fast approaching, by a full and satisfactory settlement of the claims of the Church of Scotland.

The *Solicitor-general* said, that he entirely concurred in the view which had been taken of this important question by the noble Lord the Member for the city of London. His object in rising was to make some observations with reference to the remarks of several hon. Members, and especially, with respect to the statements which had been made last night by the right hon. Member for Perth. He could not consider the resolution proposed by the right hon. Gentleman, without some reference to the circumstances and the transactions which had led to the present unfortunate and unhappy state of things in Scotland. It was impossible to regard abstractedly the principle which had been put forward by the right hon. Gentleman, and by his hon. and learned Friend the Member for Leith. He could not consider this question, how far it was politic to pass a declaratory or legislative law as to the jurisdiction of the spiritual and civil courts of Scotland, without referring to the circumstances which had rendered necessary an appeal for the interference of the House. What, then, were these circumstances? He asked the indulgence of the House while he gave a brief outline of the transactions which had led to the present state of things; and he hoped that, in any observations he might make, it would not for a moment be supposed that he intended to utter one disrespectful word with regard either to the church or to the ministers of Scotland. He entirely agreed with the observations of an hon. Friend of his on the opposite side as to the learning, the piety, and the usefulness of the ministers of the Church of Scotland; and he had most sincerely hoped, that the ruling party in the Assembly of that church would have listened to and acted upon the advice or the opinion of so sincere a friend to their interests as his hon. Friend the Member for Leith. If they had followed the advice of that hon. Gentleman, the present state of things in the Church of Scotland would never have existed,—they would not have witnessed this contest between the church and the courts of civil jurisdiction,—they would not have heard of those claims and pretensions which had been put forth on the part of the ruling party in the church, and which in his humble judgment the House could not sanction, without abandoning the supremacy of the law and of the Acts of the Imperial Parliament over all individuals and bodies, ecclesiastical and civil. It was his thorough conviction, that the House could not adopt the resolution of the right hon. Gentleman without sanctioning such a principle; and it was, therefore, his intention to vote against that resolution. The right hon. Gentleman had stated, that in proposing this resolution, he had no intention of offering any distinct measure to the House, but that he submitted it for the purpose of obtaining the sanction of the House to the claims set forth in the petition of the Commission of the General Assembly. He would now proceed to inquire what were the circumstances which had led to the present unhappy disputes; and in so doing, he did not intend to follow the hon. Gentlemen who had spoken during the debate into the history of the non-intrusion question. Whatever might have been the weight of the authorities which had been referred to by the hon. Gentlemen, there was enough upon the Statute Books—there was enough in Acts of Parliament—to show that the Church of Scotland, in the course she had pursued, had been attempting to act in defiance of the law. He would remind the House of the Acts of Parliament on the subject. The Act of 1592, which had been referred to by the right hon. Gentleman the Member for Perth, and which established Presbyterianism in Scotland, acknowledged the principle of patronage; and there was a distinct provision in that act, when the collation of the minister was given to the presbytery to this effect:—

> "Provided that the said presbytery be bound and astricted to receive and admit whatsoever qualified minister may be presented by his Majesty or by his patron."

This continued to be the law until the adoption of the Act of 1690, which for a time abolished the right of patronage. The Act of 1690 vested the presentation to the benefices in the elders and heritors, who were to propose a minister to the congregation, and the congregation were to accept or reject him. That act also provided that the heritors and elders should pay a certain sum of money to the lay patrons of the parishes. His hon. Friend the Member for Renfrewshire (Mr. P. M. Stewart,) who had said that English Members were not likely to be well acquainted with this subject—must permit him to say, that his hon. Friend was entirely mistaken in supposing that, after the passing of the statute of Queen Anne, the patrons not only had the patronage restored to them, but that they also retained the money which they had received for its surrender. The hon. Member was completely mistaken; for the statute of Queen Anne, of 1712, which in distinct terms repealed the Act of 1690, and enacted positively and expressly that the right of patronage should be restored to the lay patrons, excepted all those benefices which had been sold to the heritors. He believed that, in fact, only three parishes in Scotland availed themselves in this respect of the Act of 1690, up to the period at which the Act of 1712 was passed. The Act of 1712 then, being the law, was it necessary or proper, he would ask, that they should inquire into the history of this Act of Parliament? Was it right for any body of men in this country to say—

> "We will look into the motives which led to the adoption of this act, and then we will say whether or not we will obey it?"

Was it proper for them to say—

> "This act was passed by a Tory Government—it was passed by Lord Bolingbroke—and therefore we will not obey it?"

The hon. Member for Renfrewshire had put the question in this way—

> "Is Scotland to be governed by the Act of Union, or by the statute of Queen Anne?"

And the hon. Gentleman then said, that the statute of Anne was passed by a Tory Government; that its object was to injure the Presbyterian Church; that it had operated mischievously to the interests of the church, and that, therefore, the church ought not to obey it. He was not acquainted with the history of that act, and he did not think the House was likely to obtain any very accurate information as to the motives which led to its adoption; but, as the right hon. Baronet the Secretary of State for the Home Department had justly said, if that act were really passed by a Tory Government in hostility to the Presbyterian Church of Scotland, it was very extraordinary that, during the long reign of succeeding Whig Administrations, when the Presbyterian party must have possessed great influence in Parliament and in the country, this act was allowed to continue in existence. His right hon. Friend had stated, that no attempts had been made to repeal that act; but that statement was contradicted by another hon. Member. If, however, any attempts were made to effect the repeal of the act they were unsuccessful, for the statute of Queen Anne had remained the law from 1712 to the present time. In 1834 the Veto Act was passed; and that measure was admitted on all hands to be inconsistent with the law; for it prevented the patrons from exercising the power vested in them by the statute of Anne. The Veto Act provided that, although a patron presented a person properly qualified, a majority of the heads of families might prevent the presentee from coming into the benefice. What had been the consequence? A patron presented to a living; the heads of families, under the Veto Act, dissented; the Presbytery refused to admit; an action was brought in the Court of Session to try the question, and the Court of Session decided, upon the statute of Anne, in favour of the patron; an appeal was then made to the House of Lords, and they also gave judgment in favour of the patron. The House of Lords decided that the statute of 1712 was the law, that it was to be obeyed, and that the Veto Act was inconsistent with it. He would put it to the House, what ought the Church of Scotland—what ought the General Assembly to have done upon that decision? He might appeal to the high authority of the hon. Member for Leith, who said that in his judgment they ought to have repealed the Veto Act. The church ought to have paid allegiance to the decree of the House of Lords; and he could not understand how any body of men, be they never so respectable, could set themselves in opposition to the law declared by the highest appellate tribunal of the country. But, instead of repealing the Veto Act, the church went on, and another action was brought against the same Presbytery for refusing to obey a decree of the House of Lords. The Court of Session gave judgment against the Presbytery, and the question was again brought before the House of Lords for decision, who also gave judgment against them. After that came the Strathbogie case, to which the noble Lord had referred. Now, what was that Strathbogie case? He should endeavour to state it clearly, and the noble Lord would pardon him, if he added a little to the noble Lord's statement of it. The presbytery of Strathbogie were originally prepared to act on the Veto Act of 1834. That was before the House of Lords had come to a decision on the matter; but when the House of Lords decided that the Veto Act was illegal, the presbytery of Strathbogie preferred to obey the decree of the House of Lords. What then did the General Assembly? So far from following the course which his right hon. and learned Friend the Member for Leith (Mr. Rutherford) said they ought to have followed—so far from repealing their act, they suspended the presbytery of Strathbogie for obeying the decree of the House of Lords. The hon. Member for Argyleshire had said that evening that the fact was not so; but he contended that such was literally the fact; for the first suspension of the presbytery was for obeying the decree of the House of Lords. But that was not all. The Ministers of the Strathbogie presbytery said, "The effect of this suspension is to injure us in our civil rights;" they, therefore, said, "We will appeal to the civil courts;" and they did appeal to the Court of Session for redress. What did the General Assembly do upon that? The General Assembly dispossessed the ministers; they passed sentence of deprivation upon them. For what? Because they had appealed to a civil tribunal; and his right hon. and learned Friend the Member for Leith had explained this conduct by reference to the proceedings of the House of Commons in matters of privilege, and said that because the House of Commons would not allow their servants to appear and plead in the courts of law here in matters of privilege, so the General Assembly had the right to punish their ministers for appealing to the civil courts in Scotland. Now, he would not go into the question of the privileges of the House of Commons; but, he would ask, was there any any analogy between the privileges of the House of Commons, and the right set up by the General Assembly? The privileges of the House of Commons were undefined; that was one reason why the House of Commons said we must be judges of our own privileges. Those privileges were not unalterable; they varied from time to time; the privileges which they did not want centuries ago, might now have become necessary to the due discharge of their functions as the representatives of the people. That was one reason why the House of Commons had the right of being judges of their own privileges. But the rights of the church courts in Scotland depended wholly on statutes; they surely therefore could not vary from time to time; they must be as immutable as the statute law on which they rested, and consequently there could be no analogy between them and the privileges of the House of Commons, to which it had been attempted to compare them. He confessed, therefore, that he could not understand the analogy which his right hon. and learned Friend had attempted to apply to the course which the General Assembly took on that occasion. What then, was the House called upon to do? What the right hon. Gentlemanded was, that they should give their sanction to the course taken by the General Assembly. But the General Assembly had refused to repeal the Veto Act, and having done that, they had taken these steps since. The Strathbogie ministers, considering themselves injured in their civil rights, had appealed to the civil courts. The civil courts had issued interdicts in consequence. Now he believed that he was justified in saying, that there had been no interdict issued by the civil courts which had not arisen out of these Strathbogie cases. The whôle arose out of the decree of the House of Lords. There were no other interdicts; and they were all based on the principle, that the ministers must not refuse obedience to the decree of the highest court in the realm. What then was the House of Commons called upon to do? If he understood the right hon. Gentleman (Mr. F. Maule) he said, "I ask you to define the jurisdiction—to put an end to these contests between the two courts of civil and ecclesiastical jurisdiction." But let him ask the right hon. Gentleman (Mr. F. Maule,) whether he considered it possible for any legislature to define the limits between civil and ecclesiastical rights? He did not think it was possible. He would refer to the paper which accompanied these petitions, and he found there, at page 13, that they put forward this claim of right, that they

> "Protest that all and whatsoever acts of the Parliament of Great Britain made without the consent of this church and nation, in alteration of, or derogation to, the aforesaid government, discipline, rights, and privileges of this Church, and also all and whatsoever sentences of courts in contravention of the same government, discipline, rights and privileges are and shall be in themselves void and null, and of no legal force or effect."

What was this, but to set aside all authority but their own. No doubt the General Assembly had acted on this position, and had considered the decree of the House of Lords absolutely void; but could the House of Commons act on that principle, and agree with the right hon. Gentleman in sanctioning the proceedings which had arisen out of it? Surely not. But then it was said, that this was not stated in answer to the letter of the right hon. Baronet (Sir J. Graham). If, however, he turned to page 24 of the same paper, where there was an answer to the right hon. Baronet, he found a reference to that page (the 13th), and a re-assertion, not in terms, but a re-assertion of what was there laid down:—

> "The object of the claim of right (it was said) was to seek protection from the encroachments of the civil courts on the spiritual jurisdiction of the Church, particularly with reference to the power of defending her congregations from the intrusion of presentees in opposition to their will; and this, while it was perfectly consistent with the continued co-existence of patronage, was represented as absolutely essential, to enable the Church to carry on the government of Christ's House in accordance with what we believed to be his laws; and it was clearly indicated, that a refusal to give the protection and redress desired, would compel the Church to an abandonment of the benefits and privileges of the establishment."

But, however this might be, he owned he could not bring himself to consider that the law of Scotland was as stated by his right hon. and learned Friend the Member for Leith. What was the claim of the Church of Scotland, the claim as modified by the various hon. Members who had spoken in the debate, not as laid down in the papers on the table? It was this: the Church said—

> "We have an exclusive jurisdiction in matters spiritual;"—

So far he went along with them; but then they said,

> "We are the exclusive judges of what are ecclesiastical matters; we do not deny that there is a concurrent jurisdiction in the courts of law; we allow them the right of determining what are civil matters; but we claim exclusive authority in all ecclesiastical matters."

And was it supposed that courts so constituted could act harmoniously together? He could not believe that such was the law of Scotland; he could not conceive how courts with such a species of concurrent jurisdiction could go on together, each being independent of the other, and both without appeal to any higher tribunal. An hon. Friend of his had spoken of the conflict of laws, and said that it was a term familiar to English lawyers. Now, it was true that lawyers in this country were accustomed to the use of that phrase, but what they understood by it was, the conflict of the laws of different States and countries. It was new to him to hear of the conflicts of courts of the same State administering the same law; and he could not think that this was the law of Scotland. On his own authority, he should not have ventured to state an opinion on the matter; but he had the highest authority in Scotland to support him, and he believed, therefore, that he was justified in saying, that such was not the law of that country, and that there was a controlling power, which had the right to supersede, if need were, the decisions of the courts there. The papers on the Table stated that no analogy prevailed in Scotland with the law in England, and no inference could be drawn from one to the other; because the king was the head of the Church of England, while the Church of Scotland acknowledged no temporal head; and therefore, they thought that because the king is the head of the Church here, the temporal courts exercise the jurisdiction of controlling any excess into which the ecclesiastical courts may fall. But he would ask the right hon. Member for Devonport (Sir G. Grey) how could the temporal courts have exercised for so long the power of restraining the ecclesiastical courts when they exceeded their authority, with the desire that had always existed in those courts to extend that authority, if there had not been some controlling power vested somewhere? The fact was, that it was not only since the King had been made the head of the Church here, that this power had been exercised by the temporal courts, for before the Reformation, when the Pope was the head of the Church, the ecclesiastical courts were, nevertheless, subject to be controlled by prohibitions from the temporal courts. Be it remarked, too, that if the civil courts in Scotland decided that they had no power to issue an interdict, there was an appeal to the House of Lords, and he owned that he could not doubt, but that if the appeal were made to the House of Lords they would decide according to law and to the justice of the case before them. The complaint, as he understood it, was, that the questions at issue did not come within the jurisdiction of the civil courts. Why, in that case, if the complaint were well grounded, and if the civil courts issued their interdicts, the proper course would be to try before a competent tribunal whether or not they were warranted in doing so, and not to assume the question that the interdicts were issued unwarrantably. The question with regard to interdicts applied peculiarly to the Auchterarder case, and he must say, that he could not find in them more than the circumstances of the case authorized. If there were more than that —if more was done than was necessary or authorised, why then the proper course would be by an appeal. The observations of the right hon. Gentleman, the Member for Leith, had no reference to the intrusion question, as the right hon. Gentleman's object appeared to be to induce the Legislature to define the boundaries between the civil and ecclesiastical jurisdiction. To this he would answer, first, see what the House of Lords would do in the case of an appeal; and, in the next place, if he were told that it was difficult to say what was the spiritual and what the civil jurisdiction, and how were the boundaries to be defined, he would answer that he did not see how that House could by any decision settle the question. If the civil courts complained, that they were deprived of a jurisdiction which properly belonged to them, and not to the Ecclesiastical Courts, and if, on the other hand, the Ecclesiastical Courts contended that the matter in dispute came properly within their cognizance, and that the civil courts in issuing their decrees trenched upon the prerogative of the former, and exceeded their jurisdiction, the question was one which ought to go before the House of Lords. The whole question involved in the present discussion arose out of the Auchterarder case. It was the result of the decree of the House of Lords in that case, and the refusal of the majority of the assembly of the Church of Scotland to concur in that decree. This was the cause of the present contention, and he could not see in what way the motion of the right hon. Member for Perth was calculated to restore the harmony which had been thus interrupted. There was another great and very important question involved in the motion of the right hon. Gentleman, which, as he understood it, went to the extent of asking the House to abolish patronage altogether. This furnished another reason why he could not support the motion of the right hon. Gentleman. The question, as he could collect it, was, that in Scotland the people claimed an inherent right in the parishioners to see that no clergyman to whom they had an objection should be intruded upon them. Taking it thus, he, for his part, did not despair of devising some mode by which the difference could be settled, without detriment to the rights of the patrons, and so as at the same time to give satisfaction to the friends of the Church. The right hon. Gentleman, however, took a different view. According to his proposition, the statute of Anne was not to be considered as binding in its effects, and that patronage ought to be altogether abolished. This was another reason why he (the Solicitor-general) could not sanction the claims now made by the Church of Scotland, and he most sincerely wished that the future conduct of that Church should be regulated and guided by the advice so honourable, so disinterested, and so valuable as that given by his right hon. Friend, the Member for Leith. With this hope he should conclude his observations by stating his intention of voting against the motion of the right hon. Member for Perth.

Mr. *Campbell* spoke as follows in explanation:—Sir, as I understand that a part of my speech has been misunderstood by the hon. Member for Bridport, I am happy to explain what I did say. The hon. Member for Bridport, in his speech this evening, said, "that the Church of Scotland was a child and creature of the State, he admired the beauty of some of its doctrines, but he preferred the arrogance of the Church of Rome to the hypocrisy of the Kirk, and then finished his speech by calling it contemptible;" and I said, all I have to say in regard to the hon. Member's remarks upon the Church of Scotland is, that I am sure the House will agree with me in lamenting that a child of such "beauty" and promise should have grown up into so "arrogant" and "contemptible" a "creature."

Sir *R. Peel*: The general opinions I entertain on this most important subject have been so fully explained by my right hon. Friend and my learned Friend, and, I must say, by the noble Lord the Member for the City of London also, that it will not be necessary for me to trespass at any length on the patience of the House. At the same time, I could not permit a discussion of so much importance to close, and give a silent vote on it. In the course of the debate, warnings, in the most friendly spirit I admit, have been given her Majesty's Government not to underrate the real character of the crisis which is approaching, or to credit reports that the danger apprehended is of little importance. I rise to address the House under no such impression. I believe the crisis to be most important. I believe the danger to the church and to the true interests of religion to be extremely great. I conceive nothing more unsatisfactory than the present state of the public feeling in Scotland on this subject. With respect to the effect on the church in diminishing the efficiency of that great instrument of good, and disturbing the social comforts and peace of the people no one can be more impressed with the evils of the present state of things than I am. Looking at the points admitted by the late Lord Advocate of Scotland, I feel that a concurrence in the present motion would have a tendency to unsettle the authorities and the constitution. If decrees are issued from the courts of law, and if these decrees are to prove of no effect, it is evident that the operation of the law becomes paralysed. This is a state of things not provided for by the law. If a church established by the law and founded upon statutes becomes at variance with the law and interrupts its operation, what must be the result? Such a state of things could never be contemplated by the law, which always recognizes in itself a power to carry its decrees into effect. Sir, I feel the fullest sense of the importance of this subject, and the magnitude of the evils which threaten from it. Nobody can feel more strongly that the cause of morality and religion has been zealously promoted by the Church of Scotland. I have been personally brought into contact with it in the administration of public affairs. The right hon. Gentleman said that the power with which I was entrusted was exercised satisfactorily. At the time I exercised that power, I had an opportunity of observing the worth of the ministers of that church, and the importance and value of the establishment, and the impressions then made, has not been effaced by anything which has occurred in the interval. A great principle, however, is involved in the proposition before the House. The right hon. Gentleman does not ask us to go into a committee for the purpose of proposing a bill for the settlement of the question. If that had been the right hon. Gentleman's object, the Government might, as far as they could consistently with the preservation of the rights of the Crown respecting patronage, have been disposed to aid him. When I say consistently with the rights of the Crown respecting patronage, I mean this, that if the right hon. Gentleman had proposed any measure affecting patronage which the ministers of the Crown felt it their duty to object to, in my opinion we should not have been justified in giving the consent of the Crown to the introduction of such a measure, merely for the purpose of enabling the right hon. Gentleman to have it discussed. The Ministers of the Crown, in giving the consent of the Crown to the introduction of a measure, imply their approbation of its principle, and Ministers ought not to give a mere constructive consent, with the intention of afterwards opposing the measure, merely for the purpose of permitting it to be discussed. I apprehend that the right hon. Gentleman's object in submitting this motion is to submit to the consideration of the House the claims of the Church of Scotland. That was the construction put upon the motion by my hon. Friend the Member for Morayshire, and in that construction the right hon. Gentleman entirely acquiesced. My hon. Friend told the House that unless they were prepared to assent to the principle of the claims put forward by the Church of Scotland, they ought not to accede to the motion for a committee. The right hon. Gentleman assented to the proposition thus advanced by my hon. Friend. I tell the House that to go into a committee for the purpose of making some proposal either at variance with the claims of the Church of Scotland, or falling infinitely short of them, would be practising a delusion, and would not relieve us from any of our embarrassments. The right hon. Gentleman moved for the printing of certain papers, and presented the petition from the commission of the General Assembly, and he founded his motion upon those documents. That I understood to be the case from the right hon. Gentleman himself, from the late Lord Advocate, and from the hon. Member for Renfrewshire, all of whom adopted the opinions of the Church, and declared that the motion was brought forward in conformity with them. I am not wrong in putting that construction on the motion. I am sure that the right hon. Gentleman is above the paltry course which is sometimes pursued in a case of great difficulty and admitted embarrassment, of proposing to go into a committee for the purpose of consideration, in the vain hope that the committee may be able to devise some means of extricating us from the difficulties of our position. [Mr. *F. Maule*: Hear.] The right hon. Gentleman says, that he is above having recourse to that expedient. The House of Commons, therefore, leaves the admission of the right hon. Gentleman to me. He tells me, now that I am speaking—and no one, therefore, can be deceived—that he does not intend to be a party to what I have justly called a paltry course of proceeding, and will call upon the House to go into committee merely in compliment to the Church of Scotland. The question before us tonight is simply this—is the claim put forward by the Church of Scotland such a claim in principle as the House of Commons ought to recognise? It is on that ground, and on that only, that I refuse my assent to the proposal of the right hon. Gentleman. I refuse my assent to the proposal of the right hon. Gentleman, not because I would refuse to legislate if I saw an immediate and satisfactory solution of our difficulties. I reserve to myself the entire power of legislating on the principles that I think consistent with the constitution, and on the principles of English jurisprudence, and the right hon. Gentleman must not infer, because I refuse my assent to the appointment of a committee, on the grounds proposed by him, that therefore I mean to imply a refusal to legislate at all upon the subject. The question the House has to determine is, whether it can give its assent to the principle for which the Church of Scotland contends. I, for my part, cannot do so. I find in the papers before us two proposals made by the Church of Scotland. One is for the abolition of patronage; the other is for the definition of ecclesiastical and spiritual power and authority to be given to the Church in ecclesiastical matters; to determine the construction of statutes, and in cases of doubt, as to whether the matter in dispute be ecclesiastical or civil; to determine, according to the expression of the right hon. mover, within its own sphere, whether it have authority to decide or not. I see that the claim, in respect to patronage, according to the explanation of the Church, rests on different grounds from the claim for authority to decide in spiritual cases. In their answer to the letter of my right hon. Friend, the Secretary of the Home Department, the Church states that the abolition of patronage is not an essential condition to the continuance of the Church's connection with the State. At the same time, however, the Church urges the abolition of patronage on very strong grounds, not only of policy, but of right. It is stated to be opposed to the discipline of the Church of Scotland, as set forward in the earliest statutes; that it was abolished by the Scotch Parliament in 1649, and 1690, and was restored by the act of the British Legislature in 1712, and that such restoration was opposed to, and was a breach of, the regulations of the Act of Settlement, the Act of Conformity, and the Act of Security. I wish to speak of the Church of Scotland with the greatest deference and respect; and if in examining any of the positions which the Church has taken up, I should speak with the freedom which is necessary in conducting my argument, I hope it will not be considered inconsistent with the feelings by which I declare myself to be actuated towards the Church. I must say, that if I have ever seen any prospect of a satisfactory settlement of this most difficult and embarrassing question, such a glimmering of hope has arisen out of the spirit and temper which have pervaded this discussion. I think the Church of Scotland must be convinced, that there is no disposition on the part of the House of Commons to deprive it of any privilege which is essentially necessary to its efficacy as an establishment. It must be evident that we are not influenced by temper. There has been no reference to angry expressions which may have been used in the course of this long-continued contest. There has been an oblivion of all party feeling; an abstinence from all exasperation. Whatever may be the issue of this motion, the discussion has been conducted on both sides of the House in the temper and spirit befitting the nature of the subject, and its great importance. I am sorry to be compelled to dissent altogether from the position taken by the Church of Scotland, with respect to the abolition of patronage. Respecting the abolition of patronage there is a question of right and a question of policy. First, on the question of right, the Church asserts that " patronage in the appointment of Ministers is opposed to the discipline of the Church of Scotland, as set forth in her earliest constitutional standards." Now, there is no foundation for that assertion. The statutes passed in early times for establishing the Church of Scotland did not recognise as essential to the existence of the Church the abolition of patronage. Patronage was co-existent with the Presbyterian establishment from a very early period. What says Lord Moncrieff—a man who from his hereditary connection with the Church of Scotland, is entitled to the highest deference on a question of this nature? Lord Moncrieff, who was the author of the Veto Act in the General Assembly, said,

> "One thing is certain, that patronage has existed consistently with the constitution of the Presbytery in the Church of Scotland for the long period of which we have been speaking, and consistently with the constitution of the Church in any other respect."

That was the opinion of Lord Moncrieff with respect to patronage. I need not refer to statutes. The statute passed in 1567, which was acquiesced in by the Church, expressly recognised the preservation of patronage " in the hands of the just and ancient faith." The Church may say, that it does not attach much weight to statutes after its public declaration on that subject; but I will defer to the public declaration of the Church—a declaration made previous to the first statute of 1567.

> "The views of the Church," (says Lord Meadowbank) " were fully developed in the answer of the General Assembly to a message from the Queen in the year 1565, read by the Lord Justice-Clerk; but to which, as the foundation of the statute of 1567, I beg again to direct the attention of your Lordships:—'Our mind is not that her Majesty, or any other patron, should be deprived of their just patronages, but we mean, whensoever her Majesty, or any other patron, do present any person into a benefice, that the person presented should be tried and examined by the judgment of learned men of the Church, such as are the present superintendants, and as the presentation unto the benefice appertains unto the patrons, so the collation by law and reason belongs unto the Church; and the Church should not be defrauded of the collation no more than the patrons of their presentation; for otherwise, if it be lawful to the patrons to present whom they pleased, without trial or examination, what can abide in the Church of God but mere ignorance?'"

That is the opinion of the Church in 1565 with respect to it. They state that they do not wish to interfere with the rights of patronage, but they pray for the right of examination and collation as belonging to the Church. The General Assembly next states that patronage was abolished in 1649 and in 1690. It was not abolished in 1649 or 1690, for in the one case the patronage was given to the Kirk Session, and in the other instance it was conferred upon the heritors and elders of the parish. The right of a congregation to elect a minister was never admitted by the Church of Scotland, either by statute or by any recognised act of the Church. With respect to its being an infringement of the Act of Security or of the Act of Union, it is hardly necessary to discuss that point; but, if insisted upon by the Church, repeal the act of Anne, and if the claim was then made valid, they would be obliged to act upon it. I have as yet heard nobody insist in the course of this debate upon the abolition of the act of Anne as being inconsistent with the privileges of the Church. Now, with respect to the policy of abolishing the law of patronage, I cannot acquiesce in it upon that ground. Lord Moncrieff thought the actual abolition of the law of patronage would involve a serious detriment to the Church of Scotland—that learned Person was decidedly opposed to its abolition, and he discussed the various authorities who might be called upon to exercise right of presentation if patronage was abolished. Lord Moncrieff took the case of the Kirk Session, and pointed out circumstances so objectionable, that it would be impossible to transfer the right to them. He discussed the point as to the transfer of the right to the heritors and elders of the parish, and he after consideration thought them unable to exercise the right; and, next, he discussed the more important proposal, namely, that this right should be transferred to the people, and he urged the strongest objections against making the choice of a minister depend upon popular election. I never could assent to the proposal that the communicants, or heads of families, or any description of people should have the absolute right, by a majority, of electing the ministers of the Church. There is no analogy between the election to civil offices and the election to the performance of spiritual functions vested in a minister of the Church. It is perfectly proper, that with respect to civil rights, and where the person chosen is to be the protector and guardian of civil interests, the people should enjoy the irresponsible power of electing whom they pleased; but the analogy does not apply to the choice of a minister. The duty of a minister is to teach, to admonish, and frequently to perform unpopular functions, and to establish that relation between a minister and his flock which would be established if you make him dependent upon the popular voice, would be to degrade the office of the minister, and to deprive him of all chance of being useful in his sacred calling. Therefore, upon the double ground of there being no denial of the right to appeal, and with the gravest doubts as to the policy of abolishing patronage and making the appointments of ministers depend upon popular election, I cannot assent to the proposition of the Church, that patronage is a grievance, and that it is the duty of Parliament to remove that grievance by the repeal of the statute of Anne. To the other proposals of the Church, namely, that the Church should have the power of placing its own construction on the statutes of the realm, and that Parliament should define the bounds of civil and ecclesiastical jurisdiction, that claim I am not disposed to grant. I hold it to be impossible to define beforehand the bounds of ecclesiastical and civil jurisdiction. There is no such definite demarcation between them as makes it possible to draw the line. If it were attempted it would dissatisfy both the Church and the civil courts. How impossible would it be to say where the line should end—how much must be left to the varying accidents of futurity; and hence, having failed to draw the line, the same questions must arise. We all admit, that to the Church belongs the exclusive jurisdiction in ecclesiastical matters. I admit it, and I admit that in all quiet times questions of dispute will not arise. They have however, arisen, unfortunately arisen, in consequence of the perseverance of the Church, after the decision of the House of Lords, in supporting what is called the Veto Act of 1834, and still more by the violent and tyrannical act by which the Church deposed those ministers, who, having taken the oath of allegiance, considered it to be their duty to obey the laws of the country, and proceeded with great forbearance to yield obedience to the supreme civil tribunal of the land. Upon those ministers there had been no imputation cast. They objected to Mr. Edwards, the presentee, and it was not until the House of Lords had decided that the Veto Act was an illegal assumption of authority, that these men determined to obey the law as laid down by the supreme tribunal. I have read the judgment of Lord Cottenham. There is, I believe, no imputation upon that judgment, either on account of intemperance of language or the extent of the principle adverse to the Church; and after reading that judgment, I must say, that if any authority in this country is at liberty to say, that the decisions of the House of Lords are not to be obeyed, and that the principle laid down is not to be obeyed, then there is an end to the connexion between Church and State, and if it be carried to the full extent, there will be no security for the civil power itself. Having taken the oath of allegiance—having yielded obedience to the Church, then when the act of the Church is declared to be an illegal assumption of authority, these deposed ministers had yielded obedience to the law of the land, as pronounced by the highest tribunal, and thus became liable to be visited with the severest penalties. They are pronounced contumacious by the Ecclesiastical Court—they lose their station in the State—they are deprived of their civil rights, and thus, in return for their allegiance to the Crown, the Crown can give no protection to its subjects. Look at the situation in which these men so deposed by the Church have been placed. They are men educated for the ministry—their whole prospects in life depend upon their continuance in the position in which their talents and virtues have placed them. The Church court determines, that in consequence of their deference to the law they shall be deprived of the right of officiating, and other ministers are sent into their respective parishes. I believe the Church prevents them administering baptism; and, under all these circumstances, have they a right to the stipend? The civil court has the right to leave the stipend to them, the Ecclesiastical Court has the right to prescribe the duty to be performed. Under the one authority the late minister may remain in the Manse, and enjoy all those advantages, and under the other authority another minister comes in and performs all the spiritual functions; but is it clear he can maintain his right to the stipend? This is not a mere claim to the stipend; his office is one with which the most important duties are connected, and if he is not allowed to perform those duties, what, I ask again, is to become of the stipend? But that is not the only question, nor the most important. It is the degradation of character to which these men are subjected that most affects me, and for what offence is this penalty to be inflicted upon them? Merely for having yielded to the laws of their country that obedience which it was their duty to yield to them. This is not now a mere speculative position. At this very hour the Veto Act is maintained in full force, and the men who obey the decision of the House of Lords render themselves, by so doing, liable to the severest persecution. Contemplate the case of a man in such a situation, with the popular feeling running against him, and in doubt whether he ought to obey the courts of law or the General Assembly of the Church, and I do maintain, that even in the times that preceded the Reformation, the Church of Rome never laid claim to a greater power than that involved in the claims now set up. I draw a complete distinction between the Veto Act as passed by the Assembly of the Church before and after the judgment of the House of Lords. I should be the last to question it, because, in 1835, I, being then the minister, proposed a vote for church extension in Scotland, notwithstanding the passing of the Veto Act. I viewed the passing of that bill with no undue prejudice. I saw that great exertions were making by the Church to supply the spiritual wants of the people of Scotland—the necessity was very great, and the ministers of the Church zealously applied themselves to provide increased means of spiritual instruction for the increased population of the country. I have always admired the character of the Scottish clergy; they are not merely learned men, but the extent to which they combine great theological acquirements with the most active and assiduous discharge of parochial duties—the manner in which they visit the poor, and perform all the ministrations of their sacred office, impressed me with the greatest respect for them individually, and as an establishment. I did not hesitate, therefore, in 1835, notwithstanding the passing of the Veto Act, in conjunction with the Government of that day, to recommend to Parliament a grant of public money for the extension of the Church in Scotland. But the moment the House of Lords, after great deliberation, determined that the Veto Act was illegal, the question, in my opinion, assumed an entirely new character, and not only did I think that the Church, by the repeal of that act, would have made a becoming concession, but I was of opinion that, by taking that step, they would enable Parliament to take the measures that would be most consistent with the rights of the Church and the civil liberties of the people. The opinion of the right hon. and learned Gentleman, the late Lord Advocate, was stated fully on this subject; but I beg you to remember that when you are discussing this claim of right on the part of the Church, it is not a mere speculative assertion of abstract right; but at this moment the Veto Act is in force, and the ministers who observe the law are suffering the penalties of their obedience. Therefore, I apprehend that it is the best friends of the Church who must most of all lament this decision. I think there is in this House a very unanimous feeling—I must except the hon. Member for Renfrewshire—but there is a very general impression that the best course the Church could have adopted would have been to suffer the House of Lords to determine the question, and to defer to their decision. I cannot think that the Church was justified in referring to the dicta of other churches; the question is, what was the judgment of the authorised tribunal, the sentence of the court appointed by the public to entertain and decide questions of that nature? In that judgment, I must think that there was nothing inconsistent with the rights of the Church; it was merely to this effect, that the civil rights of a subject of the Crown had been prejudiced by the act, that the court had a right to take cognizance of his complaint, and that in a matter where a right was at stake, they had the power of redressing a grievance sustained by a subject of the realm. I cannot, therefore, admit the justice of the claim urged by the Church, or the policy of attempting to define civil and ecclesiastical jurisdiction. Read the earlier statutes, when Catholicism was the established religion of the State, before the Reformation. Look at the statute of Westminster, and the long series of acts passed from the reign of William the Conqueror to that of Henry the 8th, and you will find these conflicts between the civil and ecclesiastical authority arising in this country. They have arisen in every country on the face of the earth; and it has been found utterly impossible for the legislative authority to define beforehand what is the line of demarcation between civil and ecclesiastical authority. The Church asks permission, if I understand the matter rightly, in cases of spiritual authority, first, to put its construction on the statute, and then to determine within its own sphere whether the matter be ecclesiastical or civil. What was the expression of the right hon. Gentleman opposite?

> "They claim independent and exclusive jurisdiction within their own sphere."

Why, Sir, we are all ready to admit the rights of the Church to this; but, if their sphere be doubtful; if the boundaries be uncertain; who shall determine the sphere—who shall ascertain those boundaries? There is no difficulty as to the purely ecclesiastical question. I will venture to say, if the civil tribunals attempted to control the Church in a matter purely spiritual, there would at once be an intervention on the part of Parliament to control the tribunals. There cannot be a question as to that; but a doubt arises where the boundaries are imperfectly defined. With whom, then, shall rest the decision? Can there be a doubt that it must rest with the tribunal appointed by the Legislature to decide the question—the court of law? The right hon. Gentleman says there may be co-ordinate jurisdictions. I think the noble Lord has shown what would be the consequence of co-ordinate courts enforcing their decrees with respect to the institution of ministers. The civil court might give the stipend, while the ecclesiastical courts refused to grant the power of administering the sacraments; and he has clearly shown that it would amount to a severance of Church and State, and end in something approaching to anarchy. Such a system could not exist. There is a complete distinction between a Church that is voluntary and independent and one that is established by the State. Take the case of the Roman Catholics, or any of the Protestant Dissenters in this country, who are not connected with the State by way of establishments; their rights, so far as voluntary jurisdiction is concerned, is quite supreme, and we do not attempt to interfere with it. Those who choose to submit to it, in consequence of their connection with any such denomination, have a perfect right to do so; but if a church chooses to have the advantage of an establishment, and to hold those privileges which the law confers—that church, whether it be the Church of Rome, or the

Church of England, or the Presbyterian Church of Scotland, must conform to the law. It is a perfect anomaly and absurdity that a church should have all the privileges of an establishment—I do not speak merely of the stipends, but of all the privileges which a connection with the State bestows, and yet claim an exemption from those obligations which, wherever there is an establishment—must exist on its side with reference to the supreme tribunals of the country. No doubt can exist with respect to the state of the law, in the case of a dispute arising between a church established by the law and some other party or body; it is impossible to suppose that the termination of that dispute should be transferred to any other authority than the chief tribunal of the country in which it should arise, subject to an appeal to the House of Lords. I shall say no more on this subject; I have attempted to show why I cannot acquiesce in the demands of the Church, either that the spiritual and civil jurisdiction should be defined beforehand, or that in case of a conflict arising, the determination of the dispute by the construction put on the statute should rest with the Church. The noble Lord appealed to me; there are many reasons for refusing to assent to the proposal of the right hon. Gentleman. He has a right to make this proposal; the Church has a right to make an appeal and ascertain whether the House of Commons is inclined to acquiesce in its own construction of its powers. I cannot acquiesce in that construction. I consider that a great principle is involved in this discussion. If I thought that peace could be maintained—if I thought that the rights of the subject could be maintained by acquiescence in the demands of the Church—such is my sense of the pressing evils I see, that I should be tempted to make the experiment; but my firm belief is that these claims, if admitted on the part of the Church of Scotland, cannot be limited to their present extent, or confined to that Church. Principles are involved in the question which, if relinquished by the House of Commons on the present occasion, they must be prepared to carry further. I must, therefore, refuse my assent to the motion of the right hon. Gentleman. The noble Lord says, he hopes I will make no declaration, on the present occasion, which shall preclude the Government from attempting to make an amicable and satisfactory adjustment of this most difficult question by legislation, when a proper opportunity shall arise. I shall most certainly avoid any such declaration. I trust I have discussed the question with temper, and I shall avoid making any statement, or giving any pledge which may tie up the hands of the Government, and prevent them from availing themselves of any opportunity of settling this question when the opportunity shall present itself. My firm belief is that, consistently with Presbyterianism, consistently with the ancient claims of the Church, consistently with the just rights of the Church, a settlement may be effected—I do not say, consistently with the present claims of the Church, I do not know whether the present temper and feelings of men's mind in Scotland is favourable to the attempt—but of this I am sure, that, looking at the original statutes—looking at the original claims of the Church, I greatly doubt whether there is any room for doubt as to the meaning of the law; and if there should be, if a declaratory act should be required, in my opinion it might be passed by Parliament, and the rights and discipline of the Church may be most strictly maintained. I wish to confine myself, on the present occasion, to the discussion of the resolutions. I know there is nothing so unwise as a premature exposition of the measures of legislation which may be thought necessary. My right hon. Friend has declared the principles on which the Government are ready to attempt legislation on this subject. I will not be betrayed by the right hon. Gentleman into any further explanation on this subject. The noble Lord has stated, that in his opinion it would not be consistent with the original claims of the Church, or with sound policy, to give to the parishioners, or to any portion of the people, the right to urge merely unfounded and capricious objections to the settlement of ministers. At the same time, with regard to what power might be given to the parishioners to state the various grounds of objections which might fairly be urged concerning the unfitness of a particular minister to be settled in a particular parish, I should be acting contrary to my present intention were I to enter into the minute examination of a question of so much interest. My object is merely to declare that, by refusing to enter into this committee, I refuse on the express ground that I see no prospect of being able to acquiesce in the views of the right hon. Gentleman, or the measures he might propose. But I do not, therefore, mean to imply that the Government would refuse to legislate in this matter, if they observed a prospect of a satisfactory settlement. I wish most earnestly that the Veto Act and all the impediments arising out of it were removed; but at the same time I do not think it would conduce to an amicable settlement to absolutely insist upon their removal. I think it better to say, that if an opportunity should arise, her Majesty's Government would avail themselves of it, for the purpose of endeavouring to effect an adjustment. I hope that no Members of this House will vote for entering into this committee merely for the purpose of relieving themselves from personal responsibilty. I trust they will consider the issue put by the right hon. Gentleman, which issue is, whether the claims of the Church of Scotland shall be acquiesced in or not, and that he has made a motion founded on those claims. My belief is that there is abroad in this country, in Scotland, and in many other countries—and I rejoice to observe it—after a long series of religious indifference, a full conviction of the evils that have arisen from a neglect of religious duties, and that there is a spiritalive founded upon that conviction. But I earnestly hope that there will not be combined with that spirit a desire to establish a spiritual supremacy above the civil tribunals of this country, but that on the contrary, every effort will be made to reconcile an increased religious activity, an increased attention to religious duties, with due deference to the established law of the land. But, of this, Sir, I am confident, that if the House of Commons is prepared to depart, either in Scotland or in England, from the principles upon which the Reformation was founded—principles which are essential to the maintenance of the civil liberties of this country—whether or know the claim he preferred on the part of the Church of Rome or of the Presbyterian Church — nothing but evil could arise from the establishment of an ecclesiastical domination in defiance of law; although those who advocated such a system might allege divine authority for their mission, and might close their assumption and their claim of extraordinary power with a conscientious religious zeal —a religious zeal which could not, however, be tolerated, if it went to the arrogation of a power to be relieved from civil authority—such an assumption, and such a claim, I say, could not be acceded to without the utmost ultimate danger, both to the religious liberties and civil rights of the people of this country.

Mr. *Fox Maule,* in rising to reply, said that, considering the position in which he stood, and the responsibility that had devolved upon him of replying to the right hon. Baronet at the head of the Government, and to those right hon. and hon. Members who had spoken against the motion, he had offered to the House, he trusted he should be allowed a few moments, and that he should not be interrupted by hon. Members who were in the habit of crying " Divide, divide." In allusion to what had been said by the right hon. Baronet, that he trusted he (Mr. Fox Maule), would absolve hon. Members from voting for the committee upon narrow grounds, he had simply to say, in reply, that, in bringing this motion before the House, he sought not to bind any man to a particular vote. He did not presume to dictate to Members of that House the course they ought to adopt. He brought the question before the House from a deep sense of its great importance. He had brought forward the question in order that the claims of the church of Scotland, which had been misunderstood, or rather, perhaps, little understood, in that House, should be fully and fairly discussed. It appeared clearly upon the case what the claims of that body were. He left every Member of the House to judge for himself, and all he wished was to ascertain the decided opinion of the House, as to the nature and principles of the claims themselves. He had heard with deep regret the determination expressed by her Majesty's Government with respect to those claims—he said their determination, because he knew that theirs was the power to lead that House to any conclusion they might think was for the benefit of the country. He regretted to think that no dawn of hope was to rise upon the minds of the Church and of the people, that those claims which they considered essential to their co-existence with the State as an establishment would be recognised by the House of Commons. The first claim they had made had been generally alluded to in terms of respect, but expressions had sometimes been used which he would rather not have heard. The Church did not ask the House to give them any jurisdiction which they did not maintain they possessed under the statutes of their country. They maintained that that jurisdiction was so granted to them within their own sphere, and he again used that term advisedly, meaning that within their own church courts they should determine independently, and for themselves, what were the limits of the civil and the religious boundaries of a question. They claimed the right to say, uncontrolled by any other court, how far a matter went in a spiritual view, and where the civil jurisdiction, as decided by other courts, commenced. The hon. and learned Solicitor-general had said, it would be a monstrous thing that there should be a collision between the ecclesiastical and civil courts; and the right hon. Baronet had said, that the allowance of the claims must terminate in a separation between Church and State; but if the hon. and learned Gentleman had consulted the precedents and decisions in the Scotch Church, referring only to the papers that had been laid upon the Table, he would find that cases of the kind to which he had alluded had actually happened. In 1735, in the Auchtermuchty case, the court found that the right to stipend was a civil right, and that the court had power to determine the legality of admission into the ministry, whether the person admitted had a right to stipend or not. That was the decision as it stood upon the records, and without taking upon himself to say whether that decision were right or wrong, that was the statute law of the country. If that were the statute law, and he maintained that it was, what the Church of Scotland said was this,—

> "Let not the statute law be frittered away by a court which has only co-ordinate jurisdiction with ourselves."

If Parliament chose to take away the power of the Church, let Parliament do so if it pleased; but he maintained and insisted that it would be an infraction of the constitution of Scotland if Parliament allowed the Court of Session to assume the powers of Parliament, and to over-ride the decision of other courts which were wholly and entirely independent of it. This was not a solitary instance; he might quote a great many others, all to the same effect, which proved that the judges of old days differed very materially from those of the present time. He agreed with the Solicitor-general as to the interpretation to be put upon the words of the act of 1592; but he maintained that those words were only applicable under circumstances totally different from those which existed in the present case. He came to that conclusion from the words of a subsequent act, which provided that if the patron's nominee were wrongfully rejected, the fruits of the living should remain in the patron's own hands. He contended, therefore, that the church was justified in the claim which it now preferred. When differences of this nature arose, it was the duty of Parliament to step in and settle them. It was not prudent in the Legislature to allow such a schism as was now going on betwen the ecclesiastical and civil courts of Scotland to proceed without its interference. With respect to the question of patronage, it was quite true that the church courts would prefer the abolition of patronage altogether as the best means of promoting the religious feeling of the people of Scotland. They insisted, and he (Mr. F. Maule) thought rightly, that the principle of non-intrusion was an inherent right of their church. They insisted that no pastor should be intruded on a parish contrary to the will of the parishioners. It was to carry this principle of non-intrusion that they passed the Veto law, which they were now so strongly condemned for retaining upon their statute-book. But, although it still remained upon their statute-book, it had in fact, since the decision of the House of Lords, become a mere dead letter. The Strathbogie case was the only one that had occurred under the Veto Act since the decision of the House of Lords. Great stress had been laid upon that case, and great efforts had been made to enlist the sympathies of the House for the sufferings of the ministers of the Strathbogie presbytery. He (Mr. Maule) lamented what those Gentleman had undergone; but at the same time, be could not but think that they had brought their troubles upon their own heads, and that their sufferings were not wholly undeserved, seeing that they resulted entirely from their disobedience to the superior church courts, whose decisions they were bound to obey. It was owing to their obstinacy in appealing from the ecclesiastical to the civil courts, upon a matter purely spiritual, that all these difficulties had arisen. Therefore, much as he lamented their sufferings as men, he could not excuse them as ministers for having so far forgotten their solemn ordination vow of obedience to the superior church courts. The right hon. Gentleman opposite had stated one somewhat remarkable fact. He said that it was impossible to admit such principles as were contended for in the claim of the General Assembly, because, if they were granted to the Church of Scotland they could not fail to be carried further or in other words as he interpreted that expression, that a fear of what might be claimed on this side of the Tweed prevented the right hon. Gentleman doing justice to those on the other. If that were so, he must say that that fear would rather tend to raise the feeling of irritation that at present existed in Scotland, than do anything to allay it. He feared that the decision to which the House would come would not be one which would give satisfaction to those whose petition he had invited the House to consider. He had invited them to consider that petition not as an abstract speculation of some individual, who in his closet, had thought on the subject, but as a petition coming from the great majority of the ministers of the Church of Scotland, and in which they were supported by a vast majority of the people of that Church. They were supported by a vast number who looked upon it as their last appeal to the justice of the House of Commons. They had heard from her Majesty's Ministers that they were determined to stand exclusively upon the law as laid down at present by the civil courts, and upon the rights of patronage as laid down by the act of Queen Anne. He had a right to assume first, from the speech of the right hon. Gentleman (Sir R. Peel), and secondly, he had to assume from the distinct declaration of the right hon. Baronet the Secretary of State for the Home Department, that if it were thought or intended to legislate so as to interfere with the rights of the Crown, or with the vested right of the patron, they would feel it their imperative duty to refuse the assent of the Crown to any such measure. These were the opinions of the right hon. Gentleman, and they were the opinions of the Government to which they belonged. They were also the opinions of the most influential Members on his own side of the House; and taking them altogether, he might truly regard them as the opinions of the British House of Commons. He was therefore sorry to conclude that the answer which these petitioners would receive was an answer unsuccessful, as far as all their wants were concerned, and one which frustrated the last hope they entertained of a settlement of this question. Whilst, therefore, the House professed the greatest sorrow and the deepest regret for the separation of a vast body of the ministers and people from the Church of Scotland, and yet refused to hold out a helping hand in the hour of danger, he feared that the decision of this night would not only close the door against all further application, but that it would convince the Church of Scotland, at least those who adhered to the opinions of the majority of that Church, of the fruitlessness of waiting any longer in the hope of remedy which had been delayed from year to year, and from day to day, until that Church, which had been long standing on the very brink of the precipice, must now fall to the ground.

The House divided — Ayes 76 Noes 211: Majority 135.

List of the AYES.

Aglionby, H. A.
Archbold, R.
Bannerman, A.
Barclay, D.
Barnard, E. G.
Bateson, R.
Berkeley, hon. H. F.
Blake, M. J.
Blake, Sir V.
Bowring, Dr.
Boyd, J.
Brodie, W. B.
Brotherton, J.
Buller, C.
Busfeild, W.
Campbell, A.
Castlereagh, Visct.
Cobden, R.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Dalmeny, Lord
Dalrymple, Capt.
Dawson, hon. T. V.
Dickinson, F. H.
Duff, J.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Easthope, Sir J.
Ellice, E.
Ellis, W.
Esmonde, Sir T.
Evans, W.
Ewart, W.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Gibson, T. M.
Gore, hon. R.
Grey, rt. hn. Sir G.
Hallyburton, Lord
Hastie, A.
Hatton, Capt. V.
Hay, Sir A. L.
Hill, Lord M.
Hindley, C.
Howard, hon. C.
Hume, J.
Johnston, A.
Macaulay, rt.hn. T. B.
M'Taggart, Sir J.
Mangles, R. D.
Marjoribanks, S.
Martin, J.
Morris, D.
Morrison, General
Morrison, J.
Murray, A.
O'Brien, W. S.
Pechell, Capt.
Plumptre, J. P.
Ricardo, J. L.
Rice, E. R.
Ross, D. R.
Russell, Lord E.
Stewart, Lord J.
Strickland, Sir G.
Traill, G.
Tufnell, H.
Villiers, hon. C.
Vivian, J. H.
Wallace, R.
Williams, W.
Wood, G. W.

TELLERS.

Maule, hon. F.
Stewart, P. M.

List of the NOES.

Acland, T. D.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Ainsworth, P.
Allix, J. P.
Antrobus, E.
Astell, W.
Attwood, M.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Bell, M.
Bentinck, Lord G.
Beresford, Major
Bernard, Visct.
Boldero, hon. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, T.
Campbell, Sir H.
Chelsea, Visct.
Childers, J. W.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Colborne, hn. W.N.R.
Colebrooke, Sir T. E.
Colquhoun, J. C.
Colvile, C. R.
Corry, rt. hn. H.
Cresswell, B.
Cripps, W.
Damer, hon. Col.
Davies, D. A. S.
Denison, E. B.
Dennistoun, J.
Divett, E.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marquis of
Dowdeswell, W.
Duffield, T.
Duncombe, hon. A.
Duncombe, hon. O.
East, J. B.
Egerton, W. T.
Eliot, Lord
Elphinstone, H.
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Ferrand, W. B.
Fitzmaurice, hon. W.
Fitzroy, Capt.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Forster, M.
Fox, S. L.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grimston, Visct.
Halford, H.
Hall, Sir B.
Hamilton, W. J.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Heathcote, Sir W.
Henley, J. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Horsman, E.
Howard, Lord
Hussey, T.
Hutt, W.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
Jermyn, Earl
Johnstone, Sir J.
Johnstone, H.
Jolliffe, Sir W. G. H.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawson, A.
Lemon, Sir C.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Mackenzie, W. F.
Maclean, D.
M'Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
March, Earl of
Marsham, Visct.
Master, T. W. C.
Meynell, Capt.
Mitcalfe, H.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morgan, C.
Mundy, E.
Neeld, J.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
Oswald, J.
Paget, Lord A.
Pakington, J. S.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Praed, W. T.
Pringle, A.
Pulsord, R.
Pusey, P.
Repton, G. W. J.
Richards, R.
Rose, rt. hn. Sir G.
Round, C. G.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, Lord J.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Scholefield, J.
Seymour, Sir H. B.
Shirley, E. J.
Shirley, E. P.
Somerset, Lord G.
Sotherton, T. H. S.
Spry, Sir S. T.
Stanley, Lorp
Stansfield, W. R. C.
Stewart, J.
Stuart, W. V.
Strutt, E.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Thompson, Ald.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Vane, Lord H.
Vivian, J. E.
Waddington, H. S.
Walker, R.
Wall, C. B.
Walsh, Sir J. B.
Walter, J.
Wellesley, Lord C.
Wilshere, W.
Winnington, Sir T. E.
Wood, Col.
Wortley, hon. J. S.
Wortley, hon. J. S.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

The House adjourned at two o'clock.

HOUSE OF LORDS,

Thursday, March 9, 1843.

MINUTES.] BILLS. *Public.*—2ª· Justices of Peace (Ireland.

PETITIONS PRESENTED. By the Earl of Warwick and the Bishop of Hereford, from Coventry, Northumberland, Huntingdon, Norwich, Birmingham, and Maidstone, against the Union of the Sees of St. Asaph and Bangor.—By the Bishop of Hereford, from Coventry, Abdon, and Ross, for Church Extension.—By the Marquess of Clanricarde, from a Missionary Society in London against the injurious effects of Lord Ellenborough's Proclamation.—From Birmingham, for appointing Chaplains to Colonial Sees.

TREATY WITH PORTUGAL.] The Earl of *Clarendon* begged to put a question to the noble Lord the Secretary for Foreign Affairs with respect to the commercial treaty between this country and Portugal, which had been so long under negotiation, and which, for no fault, he was sure, of the noble Lord, had been so unaccountably delayed. The delay in the alteration of the duties on wine had been very prejudicial to the trade in this country. He had heard that the noble Lord had sent new proposals to the Court of Portugal, and given directions to the English Minister at Lisbon, if they were rejected, to apprise the authorities there that all negotiations must cease. A sufficient time had now elapsed for the question to be settled, and as it was a subject of great importance, he hoped the noble Lord would not find it inconsistent with his sense of public duty to inform him if any answer had been received, and, if so, whether that answer was satisfactory or not?

The Earl of *Aberdeen* said, that the treaty of commerce, properly so called, between this country and Portugal, was signed so long ago as the month of July last. The two Governments had agreed to revise their tariffs, with the object of making them mutually beneficial. Her Majesty's Government did consider it necessary to put an end to a negotiation so delayed, and a month ago instructions were sent to her Majesty's Minister at Lisbon, with the new propositions, to state that those terms must either be adopted at once, or the negotiation must be put an end to. Fresh proposals had now been made by the Portuguese government, certainly going considerably in advance towardsthe views of her Majesty's Government, but to what extent he was unable at this moment to decide; the despatches had only arrived yesterday, and until he had had an opportunity of consulting with his noble Friend the President of the Board of Trade, to whose department the matter peculiarly belonged, he should not feel justified in giving a decided answer. The negotiations would be terminated as speedily as possible, either by being brought to a satisfactory conclusion, or being put an end to altogether.

Lord Ellenborough's Proclamations—Somnauth.] The Marquess of *Clanricarde* said, it was now his duty to make that motion of which he had given notice to their Lordships, and he assured them he had undertaken a most painful task, because to canvass the conduct of a Member of that House in his absence must at all times be most disagreeable. Further, he could state truly that at that time, and under all circumstances, it could not be otherwise than painful to ask their Lordships to pronounce any censure, however slight, upon the noble Lord who was the present Governor-general of India, with whom he (the Marquess of Clanricarde) had had the honour to sit in that House for not a few years, to whose eloquence he had often listened with pleasure, whose ability he readily admitted, and from whom, on all occasions, he had always received the utmost courtesy. At the same time, when he had the misfortune to think that that noble Lord, by an act of indiscretion—he would not use any harsh terms, and therefore he said only indiscretion—the noble Lord had done that which might produce grave consequences to millions of our fellow-subjects in India, which might probably disturb the tranquillity of our rule over that, the most glorious dominion this or any other country had ever possessed, it became his duty to set aside all personal feeling of that kind, and to invoke the aid of their Lordships to prevent the possible recurrence, either by the noble Lord, or by any other person, of similar indiscretion. If their Lordships should agree with him, that the publication of these proclamations was unwise and imprudent—that they had a tendency to derogate from that character for wisdom, consistency, and dignity, which it was most essential that the Government in India, no matter by whom administered, should ever maintain—if their Lordships thought with him, that the publication of those documents had a tendency to excite passions which it was our duty, as well as our interest, to stifle and extinguish, he was sure in that case their Lordships would also set aside all personal and party feelings, and would not hesitate to do their duty, by recording a temporary, but severe expression of their opinions. He should not have occasion to refer to any large and comprehensive questions; the observations he wished to address to their Lordships should be confined to the strict subject matter of the motion, and the acts of the Administration as regarded the publication of these particular proclamations of themselves, and by themselves only. If he were told that the policy with which those proclamations were connected was the wisest possible which the Governor-general could adopt, into that question he should not think it necessary in any way to enter. If it should be attempted to institute a comparison between the conduct of Lord Ellenborough and that of any of his predecessors, immediate or remote, into that argument he would not go; unless it could be shown—which he believed he could defy any of their Lordships to show—that in circumstances at all similar or analogous, or indeed, under any circumstances whatsoever, there ever had proceeded from the hand or head of any Governor-general of India a proclamation at all like that which was the first paper to which he was about to refer their Lordships—which is the proclamation dated the 1st of October, 1842. Those who had read that document would observe that two-thirds of the contents conveyed a direct censure upon the previous acts and policy of the Indian Government immediately before Lord Ellenborough assumed the office of Governor-general. That was what he called upon their Lordships particularly to observe. Upon the question whether or not the accusations were true, and the censure just, he was not going to enter. For his argument of this night, he was willing to confess that every accusation was well founded, that every insinuation was just. He was willing, so far as the business of this night was concerned, to admit that which, under other circumstances and upon another occasion, he certainly should not admit, namely, that Lord Auckland in his views was entirely wrong, and Lord Ellenborough entirely right—that Lord Auckland, if they pleased, had he remained Governor-general, was always wrong; and that Lord Ellenborough was always right; or that there was no difference at all between them; or that either was right, or either wrong. Upon all those heads, however, he had at present nothing whatever to say. But what he stood there to contend was, that in no one possible of these cases, and under no circumstances whatsoever, had the Governor-general of India a right to address to the people of that country such a proclamation as that to which he now referred. He asserted that the Governor-general had no right publicly to canvass and criticise the acts of his predecessor. He said that the representative of the East-India Company had no right to say to the people of India that prior to his arrival the acts and policy of the East-India Company were unwise. He supposed no one would be so disingenuous as to deny that the proclamation he now held in his hand bore such a character. That document set forth that previous to the arrival of Lord Ellenborough the Indian Government had undertaken an expedition into Affghanistan in gross ignorance of the state of the country, on an erroneous view of the policy which the British authorities ought to follow; that they had placed their army in a false military position; that they had exhausted the resources of the country by ill-advised expenditure. That he apprehended, was a statement which no Governor-general ought to have made. He cared not whether those statements were true or false; it was the publication of which he now complained, and not to the matter or sentiment contained in it. He had, indeed, heard a rumour that even the language of the proclamation was in a great measure taken from a private letter written by the noble Duke opposite (the Duke of Wellington). That might be the case or it might not. If the noble Duke entertained such opinions it was of course perfectly free to him to express them. But of this he was certain, that sooner than have issued such a proclamation from the supreme government at Calcutta to the people of India, had he been at the head of the Indian Government, the noble and gallant Duke would have cut off his right hand. Their Lordships would remember that it was the government of the East-India Company which had been entrusted to Lord Ellenborough, and which that noble Lord had thought fit to repudiate. Their Lordships would look at these papers uninfluenced by the feelings which had carried away Lord Ellenborough, unaffected by the "delusion" or to use terms more unhappily in too common employment, the "partial insanity," the "monomania," which appeared to have influenced the Governor-general, and produced on his mind an impression that the government of India was a pure despotism or autocracy, to be handed from one party to another, to be exercised for personal pride and pleasure; whereas, it was the duty of the Governor-general, under the East-India Company, not to look to his own immediate gratification—his peculiar renown, but the permanent character of the British administration in the East, and endeavour to uphold its dignity, and preserve its reputation for consistency and wisdom. Even had there been precedents for such a proclamation, he should not have deemed it less unwise and imprudent; but the fact was, that though the history of India afforded examples of circumstances not altogether dissimilar from those in which Lord Ellenborough had published this proclamation, though it had frequently happened that the supreme Government had found it expedient from change of policy or circumstances to alter their proceedings, there had never occurred such a publication before. As affording an illustration of this, he could not avoid calling their Lordships' attention to an example. In doing so, he should have to mention two great names—the first of them, that of one who had become illustrious all over the world—he meant Lord Cornwallis—the other was that of the late Marquess Wellesley, whom he could never allude to without the highest esteem and admiration. It was a matter of history that Lord Cornwallis was sent out to India to supersede the late Marquess Wellesley with general instructions to put an end to hostilities—to narrow, or at least to restrain from advancing the limits of our eastern empire—and to restore our resources, by retrenching our expenditure; and Lord Cornwallis's sentiments as to the war in which we were then engaged were very similar to those which had been expressed by Lord Ellenborough in the proclamation. Lord Cornwallis arrived at Calcutta on the 30th of July, and early in August he wrote as follows:—

> "Finding we are still at war with Holkar, and hardly at peace with Scindia, I am determined to proceed to the upper provinces, and to avail myself of the interval of the rainy season to prepare for military operations, and to endeavour—if it can be done without sacrifice of honour—to terminate, by negotiation, a contest, in which the most brilliant successes can afford no solid benefit, and which I fear must involve us in pecuniary difficulties, we shall be incapable of sustaining."

And, after alluding to the state of the finances, Lord Cornwallis went on to add:—

> "I have already represented the extreme pecuniary embarrassments in which I found the Government involved, every part of the army, every department of the public service, suffering the most severe distress from the accumulation of arrears, &c."

It was hardly possible to conceive a greater condemnation of a former policy, than that view taken of his predecessors by Lord Cornwallis. But to whom were these communications made? It never entered the mind of Lord Cornwallis to make them known throughout Asia, or to the whole world. The noble and gallant Lord addressed them to the secret committee of the Board of Directors of the East-India Company. They certainly became known to the public by means of a committee of the House of Commons, but no mention was made of them until long after the transactions had been finished. It might be answered that the transactions were then pending, and the noble and gallant Lord would not publish them while matters were in that state; but the noble and gallant Lord, having died in India, was succeeded by Sir G. Barlow, who entirely approved of the policy of Lord Cornwallis, and although he was opposed by the commander-in-chief, Lord Lake, he carried out the views of his predecessor and concluded a treaty with Scinde; but no such proclamation as that issued by Lord Ellenborough ever emanated from him. He never thought of instituting a comparison between the policy of his Government and that of his predecessor. He never addressed a proclamation to the princes and people of India condemning the policy of the Government preceding that which he had been called upon to carry on. He said the proclamation was wholly without precedent; and so much so was it, that it by no means followed as a matter of course, that the Governor-general of India was changed upon every change of administration at home. If rule there was, it was the other way, because the Governor-general of India was not the officer of the Government at home, but he was the officer of the East-India Company; he was not the officer of either one party or of another. India had given rise to more party struggles in this country than any other of our foreign possessions, but never since the time of our conquering the country, at least never since the time of Warren Hastings, who is supposed to have left many personal partizans in India, no great authorities or great men, whatever they might have done in England when engaged in the discussion of India policy, had, when placed in the situation of Governor-general, acted as Lord Ellenborough had done. On the contrary, all of them, when they arrived in India, had seemed with one accord to have come to the decision that all personal rivalry and political squabbles should be banished from the soil of India. He had heard it advanced in favour of our anomalous modes of governing India, that if at any time party spirit or personal feeling should ever become too active, which he did not believe ever had been the case at the Board of Control, the East-India-house would act as a non-conductor, and prevent ill consequences from arising. Sure he was that neither at the present nor at any former time had the publication of two such papers as those to which he was calling their Lordships' attention, or of any documents at all similar to them in expression or tenor, been sanctioned by any Board of Control or by the India-house. He spoke perhaps in ignorance, but with full confidence in the truth of what he asserted; and he should be indeed surprised if his noble Friend who presided over the department, or any other noble Lord, were to contradict that assertion, or say that any chairman or deputy chairman of the East-India Company had ever sanctioned the publication of such a document. What could have been the object of such a publication, and what might be the effect of it, either upon our own subjects or upon neighbouring states? For what purpose could the Governor-general have proclaimed that the Government of India had undertaken an unwise and unnecessary expedition; and for what purpose could the Governor-general proclaim that, having undertaken this unwise expedition, our resources were exhausted, and that we were obliged to stop every measure for the improvement of the country? Was such a proclamation calculated to encourage the industry of the country, or to fix the friendship of our allies; was it not rather calculated to stimulate the activity of our enemies? Again, what effect must such a proclamation have had upon the minds of the servants of the company? Their Lordships had heard a great deal about the relaxation of military discipline, of observations and remarks in which the officers had chosen to indulge upon the conduct of their superiors. Was it likely to improve them by a better example to see one Governor-general finding fault with another, depreciating his conduct, and instituting comparisons, for the sake of lauding himself. To no other design could he attribute the tone of Lord Ellenborough's proclamation. It was said that this proclamation was to be taken as an indication of his pacific and conservative policy, but the question was not about his conservative and pacific policy, but the policy of the East-India Company; and when the noble Lord told the people of India that his policy was conservative and pacific, did he not lead to the necessary conclusion and inference, that the government under which they lived was uncertain, and changeable, and insecure? that their prosperity depended upon him individually, and that if he were, unfortunately for them, to be removed from the management of affairs, they would, consequently, fall back upon a government of imbecility? Did he not, in a word, ascribe to himself a wisdom in contra-distinction to his predecessor? With regard to the other paper he was about to submit to the notice of the House, it might be taken up in a ludicrous point of view, but many serious considerations attached to it. Upon its first arrival and publication in this country, it was regarded as an extremely humorous production, and, considered in that light only, they ought to thank the Governor-general for giving them so fair a subject for mirth. But when it was first published, the majority of the people did not believe that it was a real proclamation of the Governor-general,—the prevailing idea was, that it was one of those strokes of humour vulgarly called hoaxes. And, indeed, it had the appearance of having been founded upon the model of those inflated effusions, which used to proceed in former times from the French army, for the bombast was kept up from the beginning to the end most admirably. If he had been rightly informed, the Governor-general was so proud of his production that he had sent translated copies to Paris, that they might be properly distributed throughout Europe as well as Asia. He would read to the House one passage, which, he presumed, contained some covert humour, but which he confessed he could not understand. The paragraph was the sixth, and ran as follows:—

> "My brothers and my friends—I have ever relied, with confidence, upon your attachment to the British Government. You see how worthy it proves itself of your love, when, regarding your honour as its own, it exerts the power of its arms to restore to you the gates of the temple of Somnauth, so long the memorial of your subjection to the Affghans."

He could not understand that passage, because he knew Lord Ellenborough could not attach his hand to a statement that was not the truth, and the allegation it contained was not the fact. The common sense construction of the passage would be, that the British Government had sent an expedition into Affghanistan for the express purpose of restoring those gates, which had been so long a memorial of the subjection of the Hindoos to the Mahometans. That not being the fact, he could only suppose that Lord Ellenborough meant the words as a humorous and playful stroke of satire. He could not understand what was meant by addressing to the princes of India a statement that the British Government exerted its arms for the sake of restoring the gates of Somnauth to that country. But, unfortunately, there was mixed up with this proclamation a matter which it was impossible to contemplate without feelings of the most profound concern—any reference to which must generally be ill-placed in connection with affairs of a similar description, but never could be more ill-placed than in the document to which he was alluding, and which, therefore, he must call on their Lordships, as a high and sacred duty, to mark with their especial censure. Those gates were not described in the proclamation as they were in the order which accompanied it, and in which they were styled the trophies of victory. If they had been meant to be viewed as a trophy of war, undoubtedly they would have been destined to a use, or placed in a situation proper for such a purpose. If they were to be regarded as a trophy of the prowess and force of the Indian Government, they would naturally enough have been placed in the large square before the palace of the Governor-general at Calcutta. There a triumphal arch, with a statue on the top, might have been erected, and the gates might have been placed underneath, which would have been an ornament appropriate enough before the palace of the Governor-general. If they had been to be considered a trophy of the valour of the Hindoos, he could understand their having been sent to Benares, the greatest centre of Hindooism, perhaps, in India; or, if of British valour, they might have been sent here to adorn the front of the Horse Guards. But the Governor-general had directed them to be taken to a temple, from which they were removed by Sultan Mahmoud, in the year 1024. That was a pure homage paid to that temple, and to the Pagan superstition to which it was consecrated, by order of the Governor-general of India. Most happily, that temple, he believed, had quite ceased to exist. It was very difficult to ascertain the exact truth on this point, but he believed the history of that temple to be this. It had ceased to exist upwards of 400 years ago, and was then razed to the ground. Another Hindoo temple, which became a place of resort, was afterwards built on the same spot; but even that had disappeared. At the commencement of the present century, a frigate was sent to surprise a horde of pirates on that coast, who, he understood, had made their principal nest in what were the ruins of the second Hindoo temple. This was nearly forty years ago, in 1805 or 1806, when a British force found it necessary to attack these pirates, and, by bombarding them, to drive them out of their stronghold. He had made inquiry into the whole subject, and, though he had found it difficult to ascertain the exact state of the case in every point, there was no reason whatever to doubt that the whole of the territory in which the temple of Somnauth stood was now inhabited by Mahometans; that the authorities of the place and the chiefs of the people were Mahometans; and that the conveying the gates to that place was the most gratuitous insult to them, and the most gratuitous offering to the Hindoo religion that could be imagined. It appeared as if the soldiers named in the general order, had been sent out by the Governor-general to find a proper temple of Siva, wherein to hang the gates. The first impression this proceeding was calculated to raise in the mind was most melancholy and serious. It was neither more nor less than this, that a Christian governor, appointed by a Christian people, had gone quite out of his way to make a gratuitous experiment of doing homage to Hindoo superstitions. He would not say what the intention of the Governor-general was, but to the common sense and plain understanding of men, this act appeared to be a direct encouragement of a gross and horrible idolatry. But more than this, the particular temple to which the Governor-general had directed these gates to be restored, was one which had had the most detestable and horrible reputation of all the establishments of idolatry and superstition that had ever existed in the world. Unfortunately, this was not all; there were two subjects of a very delicate nature, of which all Indian authorities had always spoken as being the most difficult for the British Government and British magistrates to deal with, he meant the nature of their duty acting for a Christian people, towards the misguided heathens whom Providence had placed under our care, doing nothing on the one hand to irritate their prejudices, and doing nothing on the other, contrary to the religious zeal and fervour of the English people. The other subject he alluded to was, the differences, dissensions, and jealousies which were likely to be raised even among the population of India by this unfortunate proclamation. He had already noticed the first topic, and into it he had no wish to enter at length—he meant our duties as Christians towards the Hindoos and Mahometans, who form the bulk of the people of India. It was not a subject which he felt himself competent to discuss, especially in the presence of the right rev. Prelates whom he saw there to-night. It was one of a very difficult nature, with which he was not qualified to deal, nor would he say what line we ought to pursue in tempering the zeal and fervour of the religious communities of this country, who felt so strongly in relation to this subject. He would leave that part of the subject, only remarking that he thought—and he did not see how their Lordships could disagree with him—that the Governor-general of India was most imprudent in issuing a document which he must have known would awaken the feelings of the religious world of this country, as well as stir up jealousies in India. With reference to the danger likely to arise from giving cause of offence to the Members of the rival religions in Hindostan, he would quote, with their Lordships' permission, the words of a high authority on the question of Indian policy, whose opinion had also been cited by the East-India Company for the direction of their servants.

> "In every country," said Sir T. Munroe, "but especially in this, where the rulers are so few, and of a different race from the people, it is most dangerous of all things to tamper with their religious feelings. They may be apparently dormant, and when we are in unsuspected security they may burst forth in the most tremendous manner, as at Vellore: they may be set in motion by the slightest casualties, and do more mischief in an hour than all the labours of missionary collectors would repair in a hundred years. Should they produce only a partial disturbance, which is quickly put down, even in this case the evil would be lasting; distrust would be raised between the people and the government which would never entirely cease, and the district in which it happened would never be so safe as before."

It was in a country thus described by one of the greatest authorities who had written regarding it, and who was quoted no longer ago than in 1837, in a despatch communicating instructions to the Governor-general from this country, that Lord Ellenborough had taken a step which necessarily awakened the fervour and the zeal of every missionary society in England, as well as of every individual missionary in India; and which gave a preference to the Hindoos over the Mahometans, exciting the jealousy of every Mahometan province, and every Mahometan soldier, and every Mahometan priest in that country. It was to this people, so described, that the letter which their Lordships had before them was addressed; it was translated into Hindoo, and actively circulated through all parts of the country. Why, if the Governor-general had desired to awaken religious anxieties, tumults, and disturbances in every quarter of India, he did not think that that magistrate could have hit upon a more effectual expedient, or issued an edict more completely to the purpose than this proclamation. The very part of the country to which he had chosen to send this Hindoo trophy was Mahometan. Every Mahometan in his army who read or understood this proclamation—and if the people could not read or understand it, what was the use of issuing it?—must feel himself insulted, as having been made the instrument of obtaining and conveying this offering to a religion which he was, and always had been, opposed. He did not wish to trouble their Lordships at unnecessary length, and therefore he would now draw to a close, leaving his motion in their Lordships hands. He would only say, if ever there was a time when it was the bounden duty of the Parliament of Great Britain to watch, as far as they might, and as far as their interference would be legitimate or productive of good results, over their Indian possessions, in order that no internal tumults, disorders, or disaffection, proceeding from real grievances, might be generated in them, it was the present time. That country was now secure from all foreign danger whatever. Whatever might be said of the folly or wisdom of the late expedition into Affghanistan, this at least no man could deny, that for the first time we had seen the tide of conquest rolled back from the south-east to the north-west: for the first time, we had attached to the armies of India the character of invincibility over their ancient foes and oppressors. We had put our Government and our empire on a safe footing from all foreign aggression; and if we could preserve it from internal disturbances, from disloyalty and disaffection, we might reasonably hope that it would be a dominion as lasting, and as firmly rooted, as it was ever given to any power to establish. For these reasons, he called on their Lordships to mark with their reprobation this particular act of a Governor-general, who had introduced a new line of action into the policy of the supreme government of Calcutta; who had dwelt on personal and party topics, and had, without provocation, without reason, and for no good end whatever, given occasion for religious disturbances among those who were subject to his sway. Almost imperceptibly, but still progressively, the East-India Company had made considerable progress towards introducing the principles, precepts, and practice of Christianity, and paved the way for the exaltation of the cross of our holy religion. One spark conveyed into India, such as the decree of which he had been speaking, might put a stop to the further progress of good, and raise in the inflammable passions of the natives, a barrier to it, which it might take a long time to remove, and which might check that great work, which ought always to be before their eyes. "If their Lordships thought it right to temper the zeal of the missionaries, and check the enthusiasm of those who are perhaps too ardent in a good cause, as experience taught, at least let them take care that a servant of the Crown, over whose actions they had a right to keep watch, did not undo the good which so much pains had been taken to effect, and of which the consequences might be more glorious to our Crown and to our sway than the extension of our empire, or than the renown acquired by deeds of arms." The noble Marquess concluded by moving:—

"That this House has seen with regret and disapprobation the proclamation of the Governor-general of India, dated the 1st of October last, and his letter to the princes, chiefs, and people of India, of the 16th of November, because those papers may tend to mislead the native population with respect to the motives and conduct of the British Government in India, may excite religious dissensions, may be construed into a direct countenance of gross superstition, and are calculated to introduce the practice, hitherto unknown to our Indian administration, of publicly commenting and reflecting upon the previous acts and policy of the government, thereby interfering with that conviction of permanence and stability, which is essential to the interests of the British empire in India."

The Duke of *Wellington* said, I listened with attention to the sentiments expressed by the noble Marquess at the commencement of his speech, with respect to the feelings of the noble Lord the Governor-general of India, who is now absent, and employed on the service of his country; and I confess, that I should have been more satisfied with those sentiments if the noble Lord, in framing his resolution had not thought proper to make it of a cumulative kind — bringing under your Lordship's consideration two documents which relate to subjects totally and entirely distinct from one another. My Lords, it cannot be said that the last of these papers, the letter addressed to the Hindoo princes, contains any attack upon the Government which preceded him. The noble Lord thought fit to give that character to the paper to which he first directed your Lordships attention, but he had not said one word to prove that that character attaches to the other paper; and I, therefore, say, that his resolution is a sort of improper cumulation of the contents of both papers, with a view to make out a case against the present Governor-general not to prove that he had made an attack on his predecessor. I will advert to these papers in the order in which they have been introduced to your Lordship's consideration by the noble Marquess opposite, and I will first take the proclamation of the 1st October 1842. The noble Lord states that such a proclamation is entirely without precedent. I certainly am not aware of any precedent of the kind; the precedent to which the noble Lord adverted—that of Lord Cornwallis, a respected nobleman, who succeeded my noble relation in the Governor-generalship of India, is not at all in point to the present case. The facts are totally different. War, no doubt, existed in both cases. At the time referred to by the noble Marquess, there was more than one invasion of the Company's territories. Lord Cornwallis thought proper to write despatches on the former occasion — very proper despatches, I have no doubt, but the case is not at all in point. Did not Lord Ellenborough's predecessor issue a public declaration stating the circumstances under which he had commenced certain operations? I have always been desirous in addressing your Lordships on this subject, to avoid adverting to antecedent occurrences and transactions. Through all the discussions we have had, I have never adverted to these transactions further than was absolutely necessary in order to elucidate the case, which it was my duty, on the part of her Majesty's servants, and in defence of a noble Lord employed in the public service abroad, to state to your Lordships; I have stated nothing except what was brought in writing before your Lordships, and on this occasion I will not do more. I want to accuse nobody, and I desire to do no more than defend a noble Lord who is absent. And, first, I must remind your Lordships of the proclamation issued by the noble Lord the late Governor-general, setting forth, not for the information of the Court of Directors of the East-India Company alone, but for the information of East-Indian society and the world, the circumstances attending the commencement of those operations which Lord Ellenborough found in the course of execution when he arrived in India. In that document dated Simla, 1st October 1838, the noble Lord declares his intention to enter Affghanistan. The arrangements for his entrance into that country are also stated, and it fell to the lot of Lord Ellenborough to be under the necessity of putting an end to those arrangements and that policy, and to close the scenes which had continued for some years, and in the latter part of which a terrible military disaster had occurred. I say that it was reasonable and right in Lord Ellenborough to make known to the world the existing state of affairs in Affghanistan, and the measures he intended to take with reference to that country. Your Lordships will recollect that the Company's government and the Affghans were not the only parties to this arrangement. The Sikhs were also parties to the arrangements for the invasion, and must be made parties to the final arrangements for terminating the war; they must at all events, be informed of those arrangements. There was another point to which the noble Lord adverted, that is, the necessity of thereafter providing for the defence of the vast dominions placed under his government, and for whose security it was his duty to take precautions. Now, my Lords, I cannot help thinking that he could not well have done otherwise than have stated publicly to his allies and the world the situation in which he found himself placed after the disaster, and after he had retired with his army from Affghanistan, and the position in which he was likely thereafter to stand. Now, on that ground I say that the situation of Lord Ellenborough was totally different from that of Lord Cornwallis, or any other Governor-general, and that the necessity for these proclamations followed from the situation in which he was placed. The noble Lord says he is ready to admit that there is nothing in the proclamation but what is true, and it must be evident that it contains nothing that is not strictly fact. It is the fact that the treaties alluded to, were made, that the sovereign was placed on the throne, that he was afterwards suspected of treachery, that he was assassinated, and that this terrible disaster happened. The disasters are described as having been "unparalleled in their extent" — I believe nobody denies that "unless by the errors in which they originated, and by the treachery with which they were completed." My Lords, the noble Lord has referred to me—but I have given no authority for any such report—as the person who gave advice to the Governor-general on this subject. I certainly have given my opinions to the Governor-general—many more than I am afraid will be useful to him—but certainly none which could have given foundation for anything that appears in these papers. At the same time, I must say, that I entirely concur in the propriety of every word contained in that proclamation. As I said before, I impute no blame to any body. I do not rise to blame the noble Lord opposite, whom I see in his place (the Earl of Auckland); I cannot help, however, having read the history of these transactions as it is given in these volumes, I cannot help seeing the enormous errors which have been committed. I cannot help seeing that from the commencement of these transactions, down to the moment of the retreat from Cabul, the greatest errors were committed. The first error of all I attribute, not to the noble Lord, but to the unfortunate gentleman who afterwards fell a victim, I believe, very much to his own error. My opinion is, that the first error of all was in forming an army for the sovereign who was to be restored to Affghanistan, composed of English and Hindoos, and not of Affghans. Now, my Lords, what was the consequence of this? The whole system of administration, the collection of the revenue, and all the operations of government, were carried on by English and Hindoos. They were involved in all the details of government, including the collection of the revenue. My Lords, this appears in these volumes. I could show the passages by which it is established; and, in fact, great part of the loss sustained previous to the insurrection of Cabul, and during the insurrection throughout the country, was owing to the necessity of supporting by the Company's troops this body of English troops employed in the service of the Shah, and engaged in the collection of the revenue. My Lords, the gentleman I have alluded to ought to have known, or if he forgot it, he ought to have been reminded of it, that throughout the whole of India, and during all the period in which subsidiary alliances have been formed with native powers, one uniform rule has prevailed, and that is, that the Company's troops, and above all the Europeans, were not to be employed in the collection of the revenue from India. That is a distinct and clear rule invariably observed. The Company's troops are brought into the field to give their countenance and support to the measures taken for the collection of the revenue, but are never actually employed in that duty. That is one of the errors to which the noble Lord the Governor-general adverts in his proclamation; but there are other errors, I say, and I can prove it, that the country was never occupied as a country occupied by an army ought to be. The northern communication, which was the shortest and easiest, was never made use of—never occupied at all—I may say never conquered at all. Some troops, light infantry in the Company's service, and, I believe, a battalion of the Shah's force, moved from Peshawur to Cabul; they never arrived at Cabul; and, in fact, Cabul was taken possession of by the troops that advanced from Shikarpore, Candahar, and Ghuznee. And then that communication, which was essential, and without which it was pure madness to leave a body of troops stationed at Cabul, never was commanded or kept in any way whatever, excepting by means of the payments made to the banditti who occupied the different passes. Why, my Lords, I do not blame the noble Lord for this, but the gentleman whom the noble Lord employed to command his army. If he had ever looked upon what had been done under similar circumstances by any officer commanding an army, if a gentleman had been selected for the command of the army, possessing common experience and common reflection in his profession, he would not have omitted to provide for the security of that communication which was the shortest and easiest with his resources, and the disaster which ensued would never have happened. Now, my Lords, here is one of the errors which were committed, and I must remind your Lordships, that the present Governor-general had no more to do than I had with the selection of that gentleman. There was not only that communication, but there was another with Shikarpore, Candahar, and Ghuznee, from Cabul. Was that occupied? My Lords, it was never in the possession of our troops; they did not hold it even when the whole army had arrived at Candahar. In point of fact the Bombay army was the last that went up the Bolam pass; it had moved from it before Candahar was occupied, and after that the army stationed at Candahar remained there without a communication by the north, and, as it turned out, with not even any communication by the south. It was afterwards attempted by General England, in the month of March, to penetrate by the Bolam and Kojak Passes to Candahar with a brigade of troops, but he was unsuccessful. It has been asked very truly, my Lords, whether that can be called a military communication which requires such a number of troops to maintain it? Yet you must be aware that such was the real state of things, and I ask was not this another error, another gross error, to which my noble Friend may be supposed to have alluded? Here we have another error, with which the noble Lord opposite (the Earl of Auckland) had no more to do than I had. The gentleman who unfortunately perished in the course of these events (the noble Duke was understood to allude to General Elphinstone), had he been an officer at all, must have read the history of the war in Spain, in which case he must have seen how the French conducted themselves when carrying on hostilities under very similar circumstances. They took care on every occasion to secure their communications from one part of the country to another. But the gentleman upon whom fell a large share of military responsibility at this time was unfortunately no officer at all; and here I say is another error, and these are the errors to which the noble Lord must have seen that my noble Friend intended to refer, if the noble Lord had not been bent on making out an accumulative case against my noble Friend. It is perfectly true that the resident at the court of a foreign sovereign under circumstances such as those in which that gentleman was placed must have certain relations with the military movements of the troops; but, my Lords, I have stood in that situation myself. I have been in relation with gentlemen who acted as residents at a foreign court. Under such circumstances the troops cannot move at all without the orders of the Government, but the foreign government cannot apply to the commanding officer except through the resident; and then, when the commanding officer receives such an application, he takes care to see that the Government has secured for his troops whatever may be necessary to their safety and efficiency. My Lords, not only have I been in such a situation myself, but I was so up to the last moment of my services in Europe. In Paris I had, not one minister only to deal with, but a whole congress of ministers, and I should like to have seen a minister, aye, or a congress of ministers, come to give me orders. What I did was to communicate with them in such a manner that I might be sure the facts stated to me, and on which it would become my duty to frame my decisions, should be the whole of the facts, and not a partial statement. But never did I hear of a resident minister who had the direction of the troops, particularly at a time when great operations of war were carrying on. I was employed on such operations, and not only I was not then under the orders of the residents, but they were under mine. They were under my direction. I was responsible, accordingly for the safety, of all the troops under my command; no error of this kind ever occurred to me, and I think it is only fair to my noble Friend now on the other side of the world—I say it is only fair to give him credit for these errors being the errors to which he adverts, and not to suppose that he intended to attack the noble Earl (the Earl of Auckland) opposite, respecting the origin of these transactions. The errors to which I have referred are obviously those to which my noble Friend adverts as having been the occasion of these disasters. I may have my own opinion as to the origin of these transactions, and others are free to entertain opinions on them; but I do not want to bring my opinions on these matters forward now. I have no wish at present to provoke a discussion on these transactions. I only want to defend my noble Friend, but I am quite clear there is no difference now between the two noble Lords with respect to the result. The noble Earl opposite, before he quitted the country, announced his intention, very properly, not to renew the occupation of Affghanistan, and my noble Friend makes the same announcement. We all agree that it was quite right to discontinue our military operations in that country, and they have been discontinued, and in a manner that has merited the approbation of your Lordships—in a manner that has led you to vote an expression of your thanks to the officers and troops engaged there. The noble Marquess, in candour, should have considered the history of these operations, and should have reflected what the errors were to which my noble Friend referred, and not have brought them forward thus to make out a cumulative case against my noble Friend. I come now to another paper to which reference has been made, but which, instead of being directed against my noble Friend's predecessor, is nothing less than a song of triumph. I call it a song of triumph; and my Lords, I must beg to remind you here of some very unpleasant circumstances attending the state of feeling among our troops in India, respecting which your Lordships will obtain full information by referring to the despatches of March and May, from which you will see that the spirit prevailing in some portions of the army was by no means satisfactory, and of a kind very desirable to remedy. I know that when I heard of these transactions, this was the point that gave me the most uneasiness, and most anxious was I that my noble Friend should be free to use all the means in his power to get rid of this feeling among the troops; that he should be able to restore among them habits of subordination; and that he should be able to restore a spirit of mutual confidence between the officers and the troops. Your Lordships will see from these papers, and from this song of triumph, that the spirit to which I have alluded no longer exists, and you will there read of honours and rewards distributed among the officers and troops, some of which have already been approved of by our most gracious Sovereign. Let us now refer to the letter on which is grounded this song of triumph. In his despatch of the 4th of July to Major-general Nott, my noble Friend expresses himself thus:—

> "You will bring away from the tomb of Mahmoud of Ghuznee his club, which hangs over it; and you will bring away the gates of his tomb, which are the gates of the temple of Somnauth. These will be the just trophies of your successful march."

There my Lords, you have the origin of this business, to which it has been my wish to draw your attention; and then, my Lords, there is another order among these papers to which I wish to draw your attention, that of the 16th of November, in which my noble Friend orders a detachment to be formed to convey these gates to India. Oh, says the noble Lord, the taking away of these gates, and these dispositions for their conveyance, are calculated to excite religious feelings among the Moslem and Christian population. Now, I ask, is there any hint given by my noble Friend's order, that the conveyance of these gates is not to be entrusted to Moslem, Christian, or Jewish soldiers? For there are some of all three in our Indian army? No such thing. The order is a common order, by which the army is commanded to take charge of these gates, without any preference to Christian, Jew, Hindoo, or Mahometan. They are ordered to convey away these gates, as the "just trophies of their successful march," and as marks of their distinguished services at Ghuznee. My Lords, I know something of that army. I have served in its ranks, and I know pretty well what its feelings are; and though there are different castes and religions composing it, the discipline of that army, and the military spirit by which it is actuated, totally do away with all such distinctions. You will never hear in India of any difference of caste or religion in that army, any more than you would in the ranks of the British army. All do their duty, all are animated by the true feelings of soldiers, and all must have felt and enjoyed this triumph after the hardships they had undergone—all must have exulted in bearing these trophies of a successful march back to India. I do not mean to say, there may not be a Moslem feeling in some parts of India on this subject. I will not answer for individual feelings anywhere, and I know very well that such feelings may be spoken up, and I know very well that such feelings may be written up; and then the feelings, so spoken up and written up, may produce all those mischiefs which the noble Lord represented to your Lordships are so much to be apprehended. The state of things in that country is one of much greater difficulty now than it was when I was there, because there is now established in India what is called a free press, but what I shall make free to call a most licentious press, and by referring to these papers your Lordships will see that the mischievous influence of that press is repeatedly complained of. For my own part, I must own, I do not see how the operations of war can be carried on in a satisfactory manner in India, with such a press constantly exercising its influence, and connected through its correspondents with every cantonment of the army. Not only this press may stir up the feeling to which reference has been made, but the very nature of our successes in Affghanistan is calculated to call it forth. I am very glad that the noble Lord has drawn your Lordships' attention to these papers, because it is necessary that you should attend to these different parts of the social order in India. I happen to know that the whole British population in India, including some 25,000 troops, does not exceed 50,000. I come now, my Lords, to address myself to the last part of the subject adverted to by the noble Lord, namely, the encouragement which this paper is supposed to give to idolatry in India. Now really, if the noble Lord had looked into history, he would have seen that this temple is not a heathen temple at all, and never was a heathen temple. At all events, it is not a heathen temple at this time. Nobody knows exactly what it is. It is situated in the dominions of one of the Mahratta chiefs, and the population of the country are supposed to be Mahometans. This may be the case, but certainly the state of Guicowar is a Hindoo state, and the restoration of these gates to the territory of Guzerat would not, as far as I can see, tend in any way to the encouragement of idolatry, if there are none now remaining in that part of India of the idolatrous class by whom the temple was originally erected. Really, my Lords, when the noble Lord charged my noble Friend with encouraging idolatry, he ought to have more correctly informed himself of the facts connected with these papers, particularly when we consider that a short time previously my noble Friend had addressed to the chaplains in the upper provinces of India a letter which I will now take the liberty of reading to your Lordships: —

> "*Simla,, October* 1, 1842.
>
> "Rev. Sir—The seasonable supply of rain, following our prayers recently offered to God for that blessing, whereby the people of the north-western provinces have been relieved from the fear of impending famine, and the great successes recently obtained by the British arms in Affghanistan, whereby the hope of honourable and secure peace is held out to India, impose upon us all the duty of humble thanksgiving to Almighty God, through whose paternal goodness alone these events have been brought to pass. Nor have we less incurred the duty of earnest supplication that we may not be led to abuse these best gifts of God's bounty, or to attribute to ourselves that which is due to Him alone; but that we may have granted to us grace so to improve these gifts as to show ourselves worthy of His love, and fit instruments in His hand for the Government of the great nation His wisdom has placed under British rule. In the absence of any superior ecclesiastical authority in these upper provinces, I request that you will take these matters into your serious consideration, and that you will, on the 16th of October, offer to Almighty God such prayers and thanksgiving, at the time of Divine service in your church, as may seem to you best suited to impress upon your congregation the greatness of the blessings which the British nation in India, and the whole people of India, have recently received; and the high moral responsibility under which God has placed all those who have committed to them any part in the government of this empire.
>
> "I remain, rev. Sir, your affectionate friend,
>
> "ELLENBOROUH."

Was the noble Lord who wrote that letter likely to be an encourager of idolatry? No, he looked upon these gates merely as a symbol of triumph. Charity rejoices in the diffusion of truth: but we, it seems, are to look to fancy for our charity. The truth of my noble Friend's sentiments you have in the letter I have just read to you, and I hope that, in passing a negative on the motion of the noble Lord, your Lordships will be joined by the right rev. Prelates, whose duty and office it is to promote charity among mankind. I have endeavoured to show to your Lordships, that these papers have been entirely misunderstood by the noble Lord. I have shown that the errors referred to by my noble Friend must have been totally different from those referred to by the noble Lord, and no reference was in any way made by my noble Friend to the noble Lord (the Earl of Auckland) now in his place on the opposite side of the House. I have endeavoured to show your Lordships that the dangers apprehended from this song of triumph, exist only in the imagination of the noble Lord (the Marquess of Clanricarde), unless realised by the course he has thought proper to take, or by the inflammatory writings of a licentious press here and abroad. I trust I have rescued the character of my noble Friend from the charge preferred against him, of being an encourager of idolatry, and I hope I have said enough to prevail upon your Lordships to reject the proposition now before you.

The Earl of *Auckland:* I rise to address a very few words to your Lordships, and it was my hope, when I entered the House, that I should not have had any occasion to intrude on your Lordships at all. But I feel that this question is in some measure one between me and my successor, and I feel there is no other course for me than to hold myself ready, in any discussion on this subject, to give in my place in this House such explanations as I may feel to be necessary. There is one passage in the speech of the noble Duke on which I wish to say a word, because I am aware my silence might operate injuriously to an officer to whom the noble Duke has referred—I mean Sir, William M'Naghten. The noble Duke spoke of errors, and the noble Duke appears to have been himself under the erroneous apprehension that the army had been placed under the command of Sir William M'Naghten. Now, that officer, according to my understanding, exercised no other power than has been always given in India to political residents. He had no power to command military movements—no power to move a single regiment from one place to another. He had the power of pointing out to the military commander the course which he might deem it politic for the army to take but it remained with the military commander to decide whether that course should be carried out. Whatever errors may have been committed. Sir William M'Naghten is not individually responsible for them. With regard to a few points in the conduct of Sir William M'Naghten, an erroneous impression appears to have been produced. My Lords, I can assure you that the Government in India was, from the beginning, anxious that the greatest discouragement should be given to the employment of British troops in the collection of the Shah's revenue. In the beginning, it is true, such assistance was given, but it became less frequent afterwards. With regard to the duty of keeping open the military communications of the army that duty rested more with the military commander than with Sir William M'Naghten, who held frequent correspondence on that very subject, and urged on the military commander the necessity of keeping a body of troops at Gundamuck for that purpose. If on this point there is blame anywhere, it does not fall exclusively on Sir William M'Naghten, but ought at all events to be divided between him and those in whose hands was placed the more immediate military command.

Lord *Colchester* denied, that his noble relative (Lord Ellenborough) was obnoxious to the charges which the noble Marquess had brought against him. The noble Marquess had accused Lord Ellenborough, in the first place, of indiscretion in introducing into his proclamation of the 1st of October, words which were calculated to bring his predecessor in the office of the Governor-generalship of India into disrepute. The noble Marquess, in the second place, charged his noble relative with having, by issuing the proclamation respecting the gates of Somnauth, taken a step which was calculated to foment religious jealousies in India, and to encourage the votaries of a degrading superstition. Now, he ventured to deny that Lord Ellenborough's proclamation of the 1st of October, contained any accusations or recriminations against his noble predecessor. The proclamation was, indeed, a mere statement of facts. The first paragraph of the proclamation was couched in the following words:—

"The Government of India directed its army to pass the Indus, in order to expel from Affghanistan a chief believed to be hostile to British interests, and to replace upon his throne a sovereign represented to be friendly to those interests, and popular with his former subjects. The chief, believed to be hostile, became a prisoner, and the sovereign, represented to be popular, was replaced upon his throne; but, after events which brought into question his fidelity to the Government by which he was restored, he lost, by the hands of an assassin, the throne he had only held amidst insurrections, and his death was preceded and followed by still existing anarchy."

Now, the previous Governor-general had made use of nearly the same words in speaking of the same subject. How, then, could it be contended that the adoption of almost his very words was an unjustifiable attack upon the late Governor-general. Lord Ellenborough's proclamation was nothing but a clear statement of facts, and its object was to make the people of India well acquainted with the causes of our retreat from Affghanistan. Now, with respect to the proclamation about the gates of the temple of Somnauth, the noble Marquess said that, at first, it was generally believed that the proclamation was a hoax, because it was not written in the style in which such documents were usually composed. He would not set himself up for a critic on style, but he begged to observe that the proclamation was not addressed to Englishmen or Frenchmen, or Europeans of any description, but to Hindoos and Mahometan princes of India, who were accustomed to a style very different from that which would suit the English public. The people of India were accustomed to a high-flown hyperbolical style, and in speaking to a nation it was necessary to adopt a language which they understood, and which was congenial to their feelings. It would be as ridiculous to address them in plain unaffected language as it would be to speak to Englishmen in the phraseology to which the Hindoos were accustomed. The noble Marquess said, he could not understand what was meant by the words of the proclamation. If the noble Marquess would look to the Governor-general's letter of the 4th of July, to General Nott, in which he authorises the general, if he thinks fit, to move from Candahar to Ghuznee, he will see that certain advantages were proposed to be gained by that movement. One of these was to regain the military credit which had been lost by the capitulation; another was the recovery of such prisoners as might be found in the neighbourhood; and the third was the bringing away of certain military trophies amongst which were the gates of the temple of Somnauth, which Mahmoud had carried away as a military trophy from India. The only object of the bringing back of the gates was to restore to the Hindoos a military trophy which, whilst it remained in Affghanistan, was considered a memorial of their subjection. There were some historical points connected with the gates of the temple of Somnauth, with which the noble Marquess did not appear to be familiar. The noble Marquess spoke of the temple as if it were a common place of worship. [The Marquess of *Clanricarde*: No, I said that the most abominable scenes were enacted there.] The noble Marquess misunderstood him. Be the abominations referred to what they might, the noble Marquess had spoken of the temple as a place open to any one who might choose to enter it. If the noble Marquess had read the history of the temple he would have found that it was not only a place of worship, but a strongly fortified post. Mahmoud, with his Affghan forces, assailed the temple unsuccessfully during two successive days, and it was not until after he had fought a severe battle with an army that was coming to its relief, that he gained possession of the building. Under such circumstances, anything which the conquerer carried away from the temple must fairly be considered a trophy of military success. As regarded the gates of the temple, there could be no doubt that Mahmoud considered them as a military trophy, because a portion of an idol which he also took away from the temple he gave to a mosque, but the gates he placed over his own tomb, as a trophy of his repeated successes in India. It was commonly said that Mahmoud was a great bigot, and that his wars in India were undertaken from a desire to spread his religion; but it was made apparent, by Mr. Elphinstone's Work on India, that Mahmoud was influenced more by the spirit of plunder and robbery than by motives of a religious nature. If Mahmoud's object had been to spread his religion, he would better have effected it by the permanent occupation of a single province of India, than by his repeated incursions into that country. No doubt could be entertained as to the celebrity of the Somnauth gates throughout India. From the time of Mahmoud they had never ceased to be regarded, throughout all the East, as a great military trophy, and the power which possessed them seemed thereby to acquire a sort of superiority in the eyes of the people of India. The papers laid before the House in 1840 contained an account of the correspondence between Runjeet Sing and Shah Soojah, which showed the importance which was attached to these gates. It was as follows:

> " *Propositions of Maharajah Runjeet Sing, in reply to note presented by Kazee Mahomet Hussein (agent of Shah Soojah-ool-Moolk,)* 1831.
>
> " Proposition II.—That the portals made of sandal, which have been carried away to Ghuznee from the temple of Jughernaut, shall be delivered to the Maharajah when the Shah's government is well established."
>
> *Reply of Shah Soojah to Proposition II.*
>
> " 17. Regarding the demand of the portals of sandal at Ghuznee, a compliance with it is inadmissible in two ways—firstly, a real friend is he who is interested in the good name of his friend. The Maharajah, being my friend, how can he find satisfaction in my eternal disgrace. To desire the disgrace of one's friend, is not consistent with the dictates of wisdom.
>
> " Secondly, there is a tradition among all classes of the people, that the forefathers of the Sikhs have said that their nation shall, in their attempt to bring away the portals of sandal, advance to Ghuznee; but having arrived there, the foundation of their empire shall be overthrown. I am not desirous of that event; I wish for the permanence of his Highness's dominion."

As to the supposition that his noble relative would do anything which he thought could tend to retard the progress of Christianity, or encourage idolatry in India, the letter which the noble Duke had read to the House, addressed by the Governor-general to the clergy of the north-western provinces, was in itself sufficient to satisfy any one of his noble relative's deep religious feelings. That letter was dated the 1st of October, and was written immediately after the Governor-general had received the information of all the successes of our gallant troops. The man who, in such a moment of triumph, attributed in a public document all our success, not to the arm of man, but to the wisdom of Divine Providence, was not likely to do anything to discourage true religion, or to promote idolatry. The noble Marquess seemed to think that the restoration of the Somnauth gates would be likely to engender feelings of animosity between the Mahometan and the Hindoo population; but he would read a quotation from Mr. Elphinstone's *History of India*, which showed that the Indian population, whether Hindoo or Mahometan, were actuated by one common feeling of hostility against any power which threatened them from beyond the Indus; and that, therefore, they would, in all probability, unite in regarding the Somnauth gates as a glorious military trophy. The passage referred to the conduct of Baji Rao on the invasion of India by Nadir Shah:—

> "His first thought was to suspend all his plans of aggrandisement, and to form a general league for the defence of India. 'Our domestic quarrels (he writes), are now insignificant; there is but one enemy in Hindostan; Hindoos and Mussulmans, the whole power of the Deckan, must unite.' When he was relieved from the fear of Nadir Shah he returned to his old designs."

That passage showed that the Hindoos and Mahometans were ready to unite against a foreign invader, and would feel an equal interest in any trophy brought away from the invaders of their country by an army which, it must be remembered, was composed of Mahometans as well as Hindoos. He now begged leave to call the attention of the House to a letter written by his noble relative, and dated December 17, 1842, little more than three weeks after his proclamation to the native princes, and when, of course, he could have no knowledge of the effect which that document would produce in this country. The letter, which was addressed to a gentleman who had long been resident in India, and had been our envoy to Persia. Sir Gore Ouseley contained the following passage respecting the restoration of the gates of the temple of Somnauth, with which he would conclude:—

> "I have managed to make the restoration of the gates of the temple a national and not a religious triumph. It goes to the hearts of a hundred and thirty millions of people, and really is an extraordinary event in history, connected, too, with much popular prophecy."

The Bishop of *Llandaff* wished to offer a few words upon that part of the motion which raised a question of a religious character. From the first moment when he heard of the proclamation about the gates of the temple of Somnauth, he was convinced that the motives which were attributed to the Governor-general respecting it were erroneous. If he could have concurred in the view which some of his right rev. brethren took of the conduct of Lord Ellenborough on a former evening with reference to the proclamation, he would have gone further than they did, and refused to concur in the vote of thanks passed by that House. From an examination of the materials before the House, he was convinced that the Governor-general had no intention to cast any slight on Christianity, or to afford encouragement to idolatry, and his conviction on that point was strengthened by what he knew of the noble Lord himself. Nothing could be more foreign from the noble Lord's character than such a course. The act for which Lord Ellenborough was blamed, appeared to him to be parallel to one, which had occurred in the history of the noble Duke who had that evening addressed the House. When the noble Duke, with his brother liberators of Europe, occupied the city of Paris, the French were compelled to restore to the several nations they had invaded the spoils of unjust war, and thus some reparation was made to the outraged feelings of people, whom the French had held in cruel subjection. If the noble Marquess should divide the House, he would most cordially give his vote against his proposition.

The Bishop of *Norwich* said, he rose with considerable hesitation to address their Lordships, and he would not have presented himself to their notice on this occasion, had it not been for an expression which had fallen from the noble Duke. It was impossible not to be deeply impressed with everything which fell from that illustrious individual, and it was with pain he ventured to differ from him. The noble Duke appealed to the right rev. bench on a point of Christianity and charity. God forbid that he should ever give a vote on any subject which did not admit of the greatest latitude which was consistent with the most elevated spirit of Christianity. He did not attribute to the Governor-general the slightest intention to do any anything to promote idolatry—that was entirely out of the question; but when the character of the temple of Somnauth was known all over India, was it not something like encouraging a superstitious spirit to restore those gates to the population, from whom they had been taken in time of war? The noble Duke said that it was a matter of uncertainty what the temple of Somnauth was—whether it were connected with the religion of the Hindoos or not. He was sorry to be obliged to differ from the noble Duke on that point. He believed that the temple had always been considered a Hindoo temple. The Hindoo religion consisted in the belief of one omnipotent mighty spirit, who delegated his power to three others—namely, Bramah, Vishnu, and Siva. The temple of Somnauth was dedicated to Siva, the most cruel of the Hindoo deities, and known by the name of the Destroyer. Surely when we, Christians, restored the gates of such a place as that, the Hindoos must be, in some degree, inclined to consider that, at all events, if we were not attached to their religion, at least we were not discouragers of it. Might it not be said, that if the course taken by the Governor-general did not amount to a direct encouragement of idolatry, still it did not fall far short of a discouragement of the true religion? Might not Christianity be in some degree abashed and kept back, and the country in some degree shamed, when the head of the Government of India acted in such an equivocal manner? On these grounds, if he were called upon to give a vote that night, actuated by no uncharitable spirit towards the Governor-general, but feeling that it was his duty as a Christian Prelate to encourage Christianity by every means in his power, he would vote in favour of the motion.

The Bishop of *Chichester*, whilst entertaining anything but a favourable opinion of the proclamation, was, nevertheless, very far from imputing to Lord Ellenborough any intention to encourage idolatry. He was sure that no person would be selected by the East-India Company, or appointed by the Government, of whom it could be for a moment supposed that he could be capable of such an intention. But, nevertheless, he felt that this motion placed him in a somewhat difficult position. He felt that evil might arise to the Christian missionaries and to religious interests generally in India from such a proclamation as that which was the subject of debate. He thought, too, that the proclamation was in itself wholly unnecessary. The gates of Somnauth might have been left where the Governor-general found them, or, if he needs must remove them, he might have done anything with them rather than have selected them to be the objects of a triumph. Convinced, however, that there was no intention on the part of Lord Ellenborough to elevate idolatry at the expense of Christianity—a conviction in which the document read by the noble Lord (Lord Colchester) fully confirmed him—convinced, he said, of this, he should act on that conviction, and treat the issue of this proclamation merely as an error of judgment. With that impression he felt that to concur in this vote of censure would be in some sort unjust to the Governor-general, whom he should in effect be condemning on two grounds, whilst in reality he only thought him culpable on one; and under such circumstances he should adopt the safer course, and give his vote in opposition to the motion.

The Earl of *Clarendon*, I was anxious to address the House after the speech of the noble Duke, in order to prevent any misapprehension with respect to the vote which I intend to give, and for that purpose a few words will suffice. I will not attempt to follow the noble Duke into all those interesting and important military details on which he has spoken with the high authority which belongs to him, and I sincerely regret that the noble Duke has failed to convince me that I have not a painful duty to perform in supporting the motion of my noble Friend; but to my mind, the noble Duke has not succeeded in proving, that the Governor-general is undeserving of censure for the particular matters referred to in the resolutions. The noble Duke alluded to the approbation of her Majesty, and the thanks of Parliament, which has been given to the Governor-general; and that is one of the topics to which I wish to refer. The House having a few days ago conferred the highest honour which it was in their power to bestow upon the Governor-general and the army, and noble Lords on this side of the House having waived all difference of opinion, in order that the vote might be unanimous, it is the more incumbent on their Lordships not to shrink now from recording our opinions with respect to conduct which men of all parties and the public press generally have united in condemning. I think we should shrink from our duty—we should not be doing justice to this House, or to that dignity which attaches to it—could we bestow praise for what is worthy and honourable in one branch of Lord Ellenborough's administration, yet shrink from condemning what is bad and blameable in another. If that were so, we should show ourselves willing to listen only to appeals in favour of rewarding public servants, but should turn a deaf ear to all complaints against their errors. We owe this, my Lords, to the people of England, and, above all, to the millions of our fellow-subjects of that country, whose interests, feelings, and even prejudices, should be the objects of our watchful care. It is of the utmost importance that the people of India should be under no misapprehension, or the possibility of misapprehension, as to the opinions of the Home Government; and on that account it is incumbent on you to modify your late vote of thanks, and thus mark your sense of the error which the Governor-general has committed in this proclamation. That proclamation has been translated into the different languages and published in every corner of India, and it is therefore your bounden duty not to be instrumental in confirming the miapprehension to which this letter of Lord Ellenborough must have given rise. I think we are bound to show that we intended to secure, by this expedition, no signal triumph of Hindooism, or contemplated any humiliation on the part of those belonging to the Mahometan sect. It is incumbent on us to satisfy the people of India that, though Lord Ellenborough may think it judicious to take part with the princes of Rajwarra, Malwa, and Guzerat, we, at least, have no desire to outrage the feelings of the Mahometan fraternity numbering 10,000,000 of the most active, dangerous, and exciteable people of all India. My Lords, I further think it our bounden duty to condemn the determination upon which Lord Ellenborough seems to have acted, to reject the experience and to despise the example of all his predecessors in office, in uniformly promoting a spirit of goodwill and consideration amongst the different creeds in India. We incur the risk of those religious animosities being revived and continued with tenfold bitterness, unless we repudiate the insults to the Mahometan religion overflowing in this document. The noble Baron (Lord Colchester) says that these gates were merely military trophies. So they were. I do not deny that; and if the Governor-general had confined himself to tranferring them from Ghuznee to Somnauth, it would not possibly do much harm, although I must say that the wisdom and policy of such a course would be extremely problematical; but the present proclamation must be felt as an insult to every Mussulman in India, and inflame that animosity with which Affghan rule was always regarded. The question is not whether he was right or wrong in removing these gates; but whether it was a proper use to make of them to excite jealousies and religious discord between the Hindoos and Mussulmen. When it was stated in the proclamation, not only transmitted to the chiefs, but published in every part of the empire, that these gates (a fact of which no doubt they had in many cases forgotten) had been kept for 800 years as memorials of Mahometan conquest; and that the object of their recovery was to take vengeance for this insult; and when he added that England had exerted all the power of her arms in order to return these gates, I think it high time that your Lordships should draw some line of distinciion between the real object of the recent campaign of Affghanistan, and the supposed one by the Governor-general; and that when you voted thanks to the army for its bravery, and to the Governor-general for the energy with which he used the resources at his command, you should not be supposed to include in that vote the praise of the restoration of a Pagan faith. I think the resolution of my noble Friend effects that object. I think we owe this reparation to the people of Mahometan faith, and I am sure we shall thus best inform the whole people of India that we view with abhorrence whatever tends to promote idolatry of any kind, and most especially that idolatry of all known forms, even in India, the most filthy and degrading. But here I must say, that to deduce from that proclamation an indifference, on Lord Ellenborough's part, to the principles and precepts of Christianity, would be most unjust. I do not think that Lord Ellenborough's faith stands in any need of the proof which has been adduced of its orthodoxy, in the shape of a pastoral letter—in which I must say the noble Lord was guilty of a somewhat unnecessary interference with the functions of the Bishop of Calcutta—and I do not think I am uncharitable in assuming that this letter, when coupled with other language of his, goes far to prove that Lord Ellenborough was convinced that Providence made him the peculiar instrument of Its wise ends, and that on that account he was bound to usurp the functions of the church, and issue a letter of public thanksgiving. But whatever were the motives of Lord Ellenborough, he certainly took upon him the duty of the bishop, thought that rev. prelate could not certainly feel much flattered when he heard that one of the objects of the proceeding was to do homage to Siva. I know nothing of Lord Ellenborough's Christian feelings or opinions, but I do not know anything which could induce me to cast a doubt on either of them. My belief is, that when he found himself appointed to the situation, his head (to use a familiar phrase) was turned; and that when he found himself on the dizzy heights of colonial grandeur, he was so elated with a degree of success which he did not expect, that he did not foresee the consequences of a proclamation which has had no parallel since the days of Nebuchadnezzar. Speaking of proclamations in the plural reminds me that that under discussion is not the only proclamation of the noble Lord. All these documents, as I am informed, have been issued without the advice of the ordinary councillors of the Government. That such is the case, indeed, is proved by the extraordinary blunders which appear upon the face of them. If the Governor-general had only consulted those who knew something of the country, he would probably not have fallen into the error of believing, that the temple of Siva still remained in existence; and this brings me to a point upon which I should, in passing, like to have some information. If the Government intend to act upon the proclamation—if the gates of Samnauth are to be applied as the Governor-general had proposed, of course the temple must be rebuilt—a body of Brahmins must be established therein—a corps of priests and priestesses must be forthwith engaged, and an idol must, with all due diligence, be manufactured. Your Lordships, of course, know what will be the character of the idol. What I, as an economist, should like to be informed of is, whether the Government intend to advertise for designs and estimates, for, in that case, I think I may prophesy to the House, that there will speedily be laid on the Table one of the most curious documents that have ever been presented to Parliament by a Government. I am sure, that nothing but a feeling that the interference of Parliament is necessary, could induce me to animadvert as I have done on the conduct of Lord Ellenborough in his absence. Nobody admires more than I do the eminent talents and liberality of opinion which that noble Lord exhibited in this house; and I do most strongly feel the hardship imposed by public strictures on absent Ministers of the Crown. I feel it the more as I have been on foreign service myself, though in a situation subordinate to that held by Lord Ellenborough; and I can bear witness to the truth of the noble Duke's assertion as to the anxiety with which any public expression of Parliament as to their conduct, is watched for by them, and how much it influences their success with foreign powers. But, my Lords, if ever there was a man who laboured hard to deprive himself of all forbearance and kindliness on the part of his opponents, it was Lord Ellenborough; and that after issuing a proclamation which, though the noble Duke says it contained nothing but the truth, I am convinced he could not regard without sorrow and regret. Why do I say this? Because the noble Duke has himself taught us all what the tone and style and import of the despatches of an officer of this country should be. And why do I think Lord Ellenborough cannot claim the consideration due to men similarly circumstanced? Because, for no conceivable reason, he took on himself to misrepresent the acts and policy of his predecessor—of that predecessor of whose policy he professed himself before he left England a warm and sincere admirer, and to whose zeal and earnest devotion to the interests of his country the noble Duke bore the other night such distinct testimony. What can be more mischievous, what can tend more to undermine the power by which we hold that empire, than to lead that people to believe, that the principles of the British Government in India vary with the persons by whom we are there represented? Are governors to be the mere puppets of our factions at home, and is it to be borne, that the first act of one should consist in defaming the acts of his predecessor? The Governor-general says, that the object of the war was to remove from Affghanistan a monarch supposed to be hostile to the British interest, and to place on the throne one who was thought favourable to it. Now, my Lords, the Governor-general must have known, not only from the papers before you, but from the debates in which he himself took a part, that such was not the objects of that war. I am not going to enter into the objects of that war, nor shall I say a word against the opinions of the Governor-general. He may have considered the war unjust and unnecessary, and I do not blame him for declaring that opinion in this House; but I do accuse him of addressing a people ignorant of the causes of the war, and telling them, "We proceeded to depose one chief and set up another, on the mere suspicion of hostility," thus proving that no confidence could be placed in our sense of justice. Such a document as that, displaying such rashness and imprudence, made the noble President of the Board of Control, I have no doubt, tremble, when he heard of it. [Lord *Fitzgerald*: "No, no."] Why, if I am not misinformed, the Government has already conveyed its sense of those acts. It is not regular to allude to what passes elsewhere, but I see by the reports of the newspapers, that a right hon. Member of the Government condemned the acts of the Governor-general. Now, we have not that despatch before us. We are not able to judge whether the terms are such as the people of England and India should approve of. If the despatch contained that condemnation which all reasonable men must anticipate, my noble Friend now calls, by his resolution, for a confirmation by the Government of an opinion previously expressed. But if they object to the very moderate terms of that resolution, let them produce their despatch, and I am quite sure my noble Friend will modify his resolution by it. I do not see there is any difference between the opinions of both sides of the House, and I think there should be a coincidence in their language. At all events, I think we ought to endeavour to co-operate with the Government in the performance of this public duty; and if we mean to do so, I am persuaded we shall not do wisely in rejecting this resolution.

Lord *Fitzgerald* and Lord *Brougham* rose together, but the latter resumed his seat, and the former said, he should most willingly and anxiously have given way to his noble and learned Friend, had it not been for the concluding passages of the speech of the noble Earl who had just sat down. It was hardly possible for him—and in this he was sure his noble and learned Friend would agree,to remain silent a moment after the observations of the noble Earl. They (the Ministers) could not co-operate with the noble Earl. They would not accept that co-operation which he offered. They did not require it for the justification of the Government, and did not think it called for by any act of the Governor-general of India. The noble Earl had no right to assume what was the character or language of a confidential communication addressed by the Government of the country, or rather under the authority of the Government of this country, by the secret committee of the Board of Control of the Directors of the East India Company to the Governor-general of India. He denied that in that place to which his noble Friend had referred, and to which he might without irregularity allude; he denied that the right hon. Gentleman did in any respect imply that which the noble Earl assumed. The right hon. Gentleman did not say that a reproof had been administered to the Governor-general by the secret committee under the authority of the Board of Control. He stated, that the distinct opinion of her Majesty's Government had been expressed, but he was quite sure that the noble Lord who had appealed to him would feel as much as any man, and as strongly, that the expression of that opinion ought not to be communicated to Parliament and the public; and, upon being again questioned, the right hon. Gentleman distinctly denied that it was a censure upon Lord Ellenborough, and the noble Lord who had appealed to him admitted that it ought not to be communicated, and that the correspondence of the secret committee with the Governor of India, it would be most unwise and improper to produce. Yet this was the despatch which the noble Earl challenged him to produce, or to join with the noble Marquess in framing a resolution of censure after the noble Duke near him (the Duke of Wellington) had declared his opinion, as the representative of her Majesty's Go-Government in that House, and his Colleagues, that not only did he not consider Lord Ellenborough liable to censure for the course he had taken, but the noble Duke defended his noble Friend upon every point, and, moreover, declared that his conduct called for no such animadversion, not even with regard to the proclamation concerning the gates of Somnauth, or any other part of his conduct. He thought the vindications of the Governor-general of India which had already been offered by other Members of their Lordships House was complete, and though the treble resolution of the noble Marquess had not been unstudiously framed with a view, perhaps, to obtain certain votes, he had lost them by that very cumulation. With a view to obtain the support of the right rev. Bench, the noble Marquess had not confined his resolution to political matters, but had gone into religious topics; and he congratulated his noble Friend upon the success of his studiously framed motion. He gave his noble Friend full credit for a disposition to do justice to Lord Ellenborough; he had not accused that noble Lord of idolatry or of an intention to promote idolatry; he had exclaimed, "God forbid that he should do so!"

The Earl of *Clarendon*: I said, any deliberate intention of promoting idolatry; though such has been the result of his proclamation, I have no doubt.

Lord *Fitzgerald* did not think the explanation of his noble Friend was called for.

He had not misrepresented his noble Friend, for he had done him full justice for acquitting Lord Ellenborough of any intention to promote idolatry. He gave him all the credit of saying it was easy to acquit a Christian Governor of idolatry against whom it was said, at the same time, by the noble Earl, that he had not the honour of knowing enough of him to know his Christian feelings and sentiments. The noble Earl acquitted the Governor-general of India of any intention to promote idolatry. Why, no such disclaimer was necessary. Yet the noble Earl had no doubt that the result of his conduct would be to countenance idolatry. But upon that subject much that it was necessary to observe had been stated by noble Lords who had already spoken; and there were some points in the speech of the noble Lord (Lord Colchester) who was connected with the Governor-general of India, that ought to have been noticed by those who followed in the debate. His noble and gallant Friend—if he would permit him so to call him, for he united with him in the defence of his noble relative's conduct, with other feelings than that of a mere official character,—had attended not only to the letter addressed to the princes of India, but to the letter to General Nott, in which he described the recovery of the gates as a just trophy of a successful war. In the whole of Lord Ellenborough's letter there was not one word which implied even that he considered them in any other light than as a trophy of war. They were so described in the original letter to the princes of India, and afterwards in the last words of the orders. His noble Friend had quoted a private letter from Lord Ellenborough on the subject. It was right that he should say that no public despatch accompanied that proclamation; but in a private letter addressed to him, Lord Ellenborough informed him that he had three times re-written the letter, in order to guard against any misconception or misrepresentation of his proceedings; and in a letter to a right hon. Member of her Majesty's Government, he expressed his hope, that having so studiously and so anxiously written it, even two persons who took a very active part in discussions, relating to religion in India would not be able to find fault with it. The two persons alluded to were, he believed, a representative of the University of Oxford, and a gentleman who spoke much upon the subject of idolatry in the Court of Proprietors of the East-India Company. His noble Friend had referred to the correspondence between Runjeet Singh and Schah Soojah, with regard to the gates of Somnauth, and had pointedly said, that they could not be considered as religious, but as military trophies. In one of the most authentic works extant upon the subject of India, the gates were described as having no Hindoo symbols about them, no religious or distinctive marks, no bas-relief or emblem of idols or superstitious worship which could give even to persons disposed to misconceive the character of the transaction a religious idea or impression. It was said the restoration of the gates in the manner proposed by the Governor-general was calculated to excite a strong and improper feeling amongst the Mahometan population. If so, that was a result to be lamented, and none would regret it more than Lord Ellenborough himself; nor could anything be more opposed to the principles on which he wished to administer the government of India. But it was not true that the gates were trophies of Hindooism. Mr. Elphinstone, in his *History of India*, speaking of the invasions of Mahmoud 800 years ago, said—

> "Mahmoud carried on war with the infidels because it was a source of gain, and in his day the greatest source of glory. He professed, and probably felt, like other Mussulmans, an ardent wish for the propagation of his faith; but he never sacrificed the least of his interests for the accomplishment of that object; and he even seems to have been perfectly indifferent to it, when he might have attained it without loss. Even where he had possession he showed but little zeal. His only ally was an unconverted Hindoo, the Rajah of Kanouj. His transactions with Lahore were guided by policy, without reference to religion; and when he placed a Hindoo devotee on the throne of Guzerat, his thoughts must have been otherwise directed than to the means of propagating Islamism."

Mahmoud then was not considered a very orthodox Mussulman, and his memory was not so dear to the Mahometans as was supposed by some. But it might be said, that was going back too far. Had there not been more recent instances in which Affghan invasions were directed against the Hindoos, or against Mahometans as well as Hindoos, and not only by the Affghan nation, but by the very princes attempted to be restored to Affghan power? The history of the period from 1750 to 1760 showed that the Hindoos had not to go back so far as 800 years for recollections of the invasions of the Affghans. He did not entertain the same apprehensions as other noble Lords, that the removal of the gates of Somnauth would be regarded as an insult to the Mahometan faith. The noble Lord had said, that it was quite unnecessary to quote the letter of the Governor-general, for the public thanksgiving for a bountiful harvest at a period when scarcity was dreaded, as a proof of the Governor-general's attachment to the principles of Christianity. But that was not the sense in which it had been quoted. It had been quoted by the noble Duke in this manner, —that weeks before this letter was written, the Governor-general had called on the ministers of religion to offer up thanks in the temple of God to the Great Power that had vouchsafed His blessings to us. Was it charitable or becoming to impute to him that he willingly gave countenance to idolatry? If the noble Earl opposite had read what the papers which had been issued in the last few weeks said on the subject—and some, it was perceptible from his observations he had read—he would have seen that amongst those publications indifference to the faith of his country and his fathers had been unwarrantably imputed to Lord Ellenborough. He rejoiced to think, that owing to the fairness and spirit of justice which animated some of the right rev. Prelates, they had not given countenance to an imputation so unjust, nor had believed that one whose whole family, in different branches of it, had reflected the highest honour on that venerable bench, could be capable of what was ascribed to him,—of indifference to the religion of that country from which he sprung, and of that Church from whom he might be said emphatically to have descended. He had really little to say, after the speeches which their Lordships had listened to, and he would not have wished to have obtruded himself at all upon their Lordships' notice, had he not felt it unbecoming in him—considering the office which he held, considering how constantly he was in communication with his noble Friend the Governor-general, knowing, as he did, the principles which actuated him, appreciating the high motives with which he went forth, and which had directed him in the discharge of his duties—he felt that it would be unbecoming in him were he not to state, that so far from trembling for the arrival of every monthly despatch, he should feel himself dishonoured if he did not stand forward and take on himself a share of the responsibility of the defence of his noble Friend. There was another point which had been insisted upon by the noble Earl opposite—the proclamation dated from Simla, a document which had called forth his strongest animadversion. If he had felt any difficulty in speaking of the paper recently under discussion—difficulty arising from any apprehension that they could be considered as indifferent in the slightest degree to those great interests of religion alleged to have been affected by that document—he had at least no difficulty in dealing with the branch of the subject which he was to lay before them. In claiming for the noble Lord the Governor-general of India, not only an immunity from censure —not merely their Lordships' dissent from the resolution before them—a resolution made up of different and discordant elements, with the intention of catching a vote from this side or from that—in claiming their Lordships' dissent from that resolution, he went further, and he also claimed for his noble Friend the approbation of their Lordships for the policy which he had pursued, and the manliness and candour with which he had proclaimed that policy. Let it not be said that those on his side of the House had promoted this discussion. They had not. On a former occasion he had risen as representing the Government upon this subject, and discouraged its discussion. What had been the course pursued in another place? What had been the course pursued last Session in Parliament?—what had been the course pursued within the last few days? Had they (the Ministers) shown any desire to rip up this transaction, or to go into the general question of Eastern policy? No; it was reserved for the noble Marquess to make a motion, from the consideration of which the consideration of late oriental policy was inseparable. [The Marquess of *Clanricarde*: "No, no."] It was all very well for noble Lords who professed to believe in the orthodoxy of Lord Ellenborough, to say, that in considering the question it was not necessary to refer to the policy of by-gone transactions, but he wished to know how he could defend his noble Friend from the attacks made upon him without reference to the question of policy? The policy of the Governor-general was not the policy of Lord Ellenborough alone. His noble Friend opposite (the Earl of Auckland) was as responsible for the determination not only to withdraw the forces from Affghanistan, but to give up the idea of attempting to regain possession of, and establish new relations with that country, as was the present

Governor-general. Did he blame his noble Friend? By no means. He did not think, under the perilous state of the army which existed, and under the then state of the resources, that the Governor-general was to blame. The noble Marquess seemed to think this was a secret which the people of India were to learn from the debates in that House, and that they did not know of the failure of the revenue, of the deficiency of 2,000,000*l.* or 3,000,000*l.*, and that we were borrowing money from the native powers to carry on our military operations. But there was another circumstance, even beyond those which had been so powerfully alluded to by the noble Duke, which made it the absolute duty of Lord Ellenborough to proclaim the motives and policy of the Government which he represented, and for the very reason for which the noble Marquess had condemned him for acting upon. He was obliged distinctly to proclaim the policy of his Government, because a different policy had been proclaimed and maintained by the preceding Government. When it became necessary to withdraw the forces from Affghanistan, it was also necessary to show that the retreat was not a compelled one. It was the absolute duty of the Governor-general to make this known to our Indian subjects. He would not shelter Lord Ellenborough by saying, that his proclamation was merely a prudent one—that they believed that it had not done any harm; he maintained, that the issuing of the proclamation was his duty. What was the language of a late Minister of the Crown upon a recent occasion?—these debates, he would remind their Lordships, went forth to the public of India. What had been the language of a late Minister of the Crown last Session? Why, that he should like to see a Government which would dare to withdraw from the possession of Affghanistan. He found another noble Lord stating, that the late Government took credit for the whole of the expedition into Affghanistan, and that they trusted that our possessions there would never be abandoned. These were some of the views of our policy which went forth to India, and which rendered it neither inconvenient nor unjust, that the motives of the ruling Ministry should be fully developed. The noble Earl knew well, that an impression had gone abroad, that it was not intended to confine the operations of our army to the westward of the Indus after what had already taken place. He (Lord Fitzgerald) did not, indeed, know that it was usual to issue a public proclamation on the withdrawal of an army, although its advance might have been heralded by a declaration of the policy of the Government which employed it. But why was it unnecessary in general to make a declaration upon the withdrawal of an army? Because it was supposed that the fact indicated a termination of the policy which had originally sent it; but in the eyes of the Indian people—in the eyes of Asia, it was necessary that after the first proclamation which had been issued at Simla, and in consequence of that proclamation, another declaration should be made of British policy, with respect to that expedition which had begun with success so brilliant, but as delusive as it was brilliant, and terminated by the most awful tragedy, the most fearful losses, which had ever been experienced by British forces. Was it unbecoming in the Governor-general, under these circumstances, to state that the views and policy of the British Government had been changed—that they no longer wished to raise a certain sovereign to the throne—that they no longer wished to interfere in the erection of a dynasty—that the motives for the late policy had passed away—for they would all admit that they had passed away, because it would not be denied; he was sure his noble Friend opposite would admit, that. with respect to the popularity of Shah Soojah the late Government had formed the most erroneous notions. No man could read the account of Schah Soojah's reception at Cabul and compare it with the statements in the declaration of Simla, by Lord Auckland, as to his supposed popularity, without perceiving that the alleged motive for our policy was gone. He would, then, ask, was Lord Ellenborough wrong in saying, that the Sovereign represented to be popular had proved not to be the free and accepted choice of his subjects? This was quoted from Dr. Kennedy's work, who had witnessed his entrance into that city:—

> "I was not present on the occasion of his Majesty's entering Candahar, and cannot testify to the accuracy or the reverse of the statement that appeared of the enthusiasm with which his Majesty was received as the son of Timour Schah, and chief of the Baruckzyes. If the Candaharoes cast loaves of bread and flowers before his Majesty, I can honestly say that the Cabulees did not fling him either a crust or a nosegay, nor shouted a single welcome that reached my hearing. A sullen, surly submission to what could not be helped, and an eager determination to make the most

that could be made of existing circumstances, and turn them to account, appeared to be the general feeling entertained, without much attempt at disguise, by the good citizens of Cabul."*

Now, was not the Governor-general of India justified in believing, from all that passed after Shah Soojah entered the Bala Hissar of Cabul, until he was assassinated by his loving subjects, that he was not the free choice of the people? Then what was the fault found with him? Why, that he had published the fact to the nations of India. The late expedition was undertaken for a certain object, which was for a certain reason abandoned; a sovereign was found to be unpopular who had been before represented as the reverse, and he could hardly see how the Governor-general of India, after the first proclamation from Simla, could avoid alluding to those subjects, and making them public to the people of India. There was another circumstance to be taken into account. Were there no apprehensions to quiet, no fears to tranquillise among many of the states in India, objects which it was expressly Lord Ellenborough's duty to accomplish? Were there no apprehensions upon the part of the Sikhs, no appearance upon the part of the government of Lahore? There was not a single individual who had read the papers published in India, and even the papers published in this country, who was not aware, that they were full of speculation as to what was to be effected by the army of reserve at Peshawur. Serious fears were entertained by the Durbar of Lahore as to the intentions of the government; and indeed, to such an extent was this the case, that it was found necessary to write to the British resident at that court, to assure the sovereign that no intention was entertained of doing anything in any degree prejudicial to his power or dominions. Mr. Maddock, the Secretary of the Governor-general, had thus written, to Mr. Clerk, on the 23d of May, 1842:—

> "The Governor-general has learned with surprise, that, in your opinion, 'the cause of the Sikh army being so numerous at Peshawur is to be found in the irregular longings so often manifested by our authorities to obtain possession of Peshawur.' You are expressly authorised to give to the Maharajah the assurances of the Governor-general that his government entertains no wish to possess or occupy any portion whatever of his Highness's dominions, and is desirous only that his Highness should long retain them all in honour and prosperity, the faithful ally of the British Government, as his great predecessor, the Maharajah Runjeet Sing, was for many years."

Other states also had entertained apprehensions of the intentions and motives of the Indian government. With respect then to the proclamation from Simla itself, he was yet to learn that it threw any reflection upon the policy of the late Governor-general of India. The clauses complained of had reference only to the campaign itself; and he was also yet to learn, that it was a fault upon the part of Lord Ellenborough to proclaim the principles of his government—principles which were calculated to allay rising apprehensions in neighbouring states; to restore confidence to our Indian subjects, and to reflect honour on the army which had accomplished the triumph which had closed the war. On the contrary, after the declaration of the noble Lord who had preceded Lord Ellenborough in office, it became the duty of the latter to make the proclamation which he had set forth. He should be forgiven for alluding to the particular passages in the proclamation, which had been so much complained of, as conveying a censure upon the policy of the late Governor-general. With reference to the first passages of that declaration, he thought that he had dwelt long enough upon them to show, that Lord Ellenborough was justified in penning them. One of the passages which had given so much, he was sure unintentional offence, ran thus:—

> "Disasters unparalleled in their extent, unless by the errors in which they originated."

Now, he really felt that the noble duke had already established that the words had reference and only reference to the calamities of the war—to the mismanagement of the operations of the war—to the peculiar circumstances which had been so well described by the gallant and noble duke. He asked any fair and candid man to attend to the exact words of the passage, and he was sure he would come to the conclusion—indeed, he hoped that the noble Marquess himself would come to the conclusion, that they only referred to the operations of the war:—

> "Disasters unparalleled in extent, unless by the errors in which they originated, and the treachery by which they have been completed.

Could any words show more plainly that the expression of censure had reference to the disasters of the war? for he would ask how, upon any other supposition, could the "errors" in which they originated be coupled with the treachery by which they have been completed?" Setting aside for a moment the question of the policy of the declaration, surely no candid man could read these words, and yet think that Lord Ellenborough intended to refer to the "errors" as having been committed by the late Governor-general—[The Earl of *Clarendon*: "Hear."]—He was glad to have the noble Earl's confirmation upon that point.—[The Earl of Clarendon had particularly alluded to the two first paragraphs in the proclamation.]—He was glad that his noble Friend had concurred with him with respect to the passage which he had read; for he had frequently heard that passage spoken of as stating the "errors" to which it alluded as the "errors" of the late Governor-general of India. But no man who knew the present Governor-general would say for a moment, that he was a man to cloak under an insinuation a charge against another. A more manly, fair, and candid opponent than that noble Lord never existed. But what was the first paragraph which was now complained of? It was this:—

> "The government of India directed its army to pass the Indus, in order to expel from Affghanistan a chief believed to be hostile to British interests, and to replace upon his throne a sovereign represented to be friendly to those interests, and popular with his former subjects."

Was there anything in that of which noble Lords disapproved. He "paused for a reply." Was there anything in the passage disputed by the noble Marquess? Did he re-assert the universal popularity of Shah Soojah, who was introduced by a British army into the territories of his loving subjects, and supported there by that army, and by British treasure, and who expired a victim when that army was withdrawn, and the supplies of that treasure stopped? He did not for one wish to prolong this discussion; but if he was called upon to defend the propriety of the paragraph in question, he should always be ready to meet its assailants. The noble Marquess very well knew that into the question of the treachery of Akhbar Khan he could not enter, without opening up a discussion which he was sure that he (the noble Marquess) did not desire to enter upon.—[The Marquess of *Clanricarde*: Are those subjects mentioned in the Governor-general's proclamation?]—He had stated what he considered to be the causes which not only justified their mention, but had absolutely compelled it. The Governor-general of India had a duty to perform of a higher order than that of a mere party man. It would be a great error—indeed, it would be a great crime, if he went out to India as a member of a party, and exercise his high duties in the spirit of party. But the Governor-general, without reference to party considerations, was called upon to state what were the permanent and fixed views of Indian policy of his government. Was it an action in the spirit of party to proclaim the fixed policy of his government? So far from saying that he had acted as a party man, he maintained that he had acted as a man of no party. There were other portions of these transactions to which he would wish to refer. He would wish to allude to the statements made in the proclamation with reference to Indian finance and revenue, and the resumption of public works. His noble Friend knew that the late Governor-general of India was interrupted in his laudable efforts for the improvement of the country and the development of its resources by the then falling state of the revenue. It was natural and proper, therefore, that the present Governor-general should congratulate himself and the country that the war in Affghanistan being at an end, it was in his power, as it was in his inclination, to apply the resources of the country towards its improvements, by completing the great works which had previously been undertaken. Yet this had been made a matter of blame, as if it was wrong to publish to the world the financial difficulties of India —the interruption of the public works had already published it. The necessity of retrenchment had long been an object of public notoriety and public lamentation. The desperate state of the revenue had been sufficiently proclaimed; and yet his noble Friend had been blamed for stating his pleasure that the resources of the country were now in some measure applicable to their legitimate purposes. There were other points to which, however, he did not think it necessary to allude. He could only say that he concurred in what had fallen from his noble Friend near him (the Duke of Wellington), that the present motion ought not to be agreed to, not alone from regard to the situation of the Governor-general, but from regard to the interests over which he presided. They had heard the description given by the noble Duke of the state of the press of that country. He had told them that every subject of any interest to India was translated into the native languages, and, so far from agreeing with his Friend, the noble Earl, as to the effect of the present motion, he deprecated more than anything its adoption, anxious as he was for the character of the noble Earl and his Goverment—more anxious for the honour and fame of the gallant army that had retrieved the character of the British arms. He could not accept of the vote of thanks if it was to be followed and neutralized, and made more pregnant and fatal, than a vital stab by a motion similar to that proposed. For those reasons, he trusted their Lordships would reject the motion, as unjust to the motives by which the Governor-general of India had been actuated.

Lord *Brougham* stated that he should feel bound to apologise to their Lordships for rising to address them at all, after the able, the eloquent, and the powerful speeches which had been delivered from that Bench (the Bishops') and in the House; and particularly after the speech of very extraordinary power which had just been addressed to them by his noble Friend (Lord Fitzgerald); but he stood in some measure pledged to give his opinion on the present motion, as it might be in the recollection of the House that, upon the last occasion on which the subject of India had been before their Lordships, and when some right rev. Prelates, as well as others, had launched charges against the Governor-general; charges which from their own nature, and considering the quarters from whence they had proceeded, produced an extraordinary effect there, and a still greater sensation out-of-doors—he then took upon himself to state, that whenever that question should be brought forward, or any part of it should be submitted to them, he would stand up there in his place, and then and there present himself to them, confident in his expectation of being able at once to dispose of and to refute the accusation. He had listened with very great pleasure, as he always did, to every statement that came from the noble Earl near him, finding, as he always did, that everything coming from that noble Earl was marked with great distinctness, great propriety, and great calmness, as well as great moderation, and with a candour, too, that pervaded all his statements—thus, too, on the present occasion, as on all others, he had listened with a proportionate satisfaction to the noble Earl. There were, however, one or two parts of that speech in which he thought the noble Earl had fallen into some error: there was one part where he had especially done so, when, towards the conclusion of his observations, he took it upon himself to assert, that all men of all parties—he thought the noble Earl said, in, but certainly out of Parliament—and this he had not lost sight of—this he had not let slip from his recollection, that the press—the press, it was said by his noble Friend—as well as all parties of men, were unanimous in raising a cry of disapprobation with respect to the conduct of the noble Lord the Governor-general of India. No doubt his noble Friend had exaggerated greatly; and he did so from the ordinary paternity that existed between the wish and the thought; his exaggeration was to be attributed to the instincts which animated a filiation of that description. There could be no doubt that the exaggeration had been great—it did prevail to a great extent, it had prevailed to a much greater extent, before any discussion had taken place in that House, and before that marvellous discrepancy was discovered between the modes of attack adopted by the friends and by the party of Lord Ellenborough's opponents out of doors, and the attacks of those who assailed him in that House. There, in that House, it was a most covert attack; it was so mild that it scarcely betrayed any hostility;—it was a true sample of war in disguise. Such was the nature of the operations within doors; but out of doors the charges against him amounted to an accusation of impiety—of gross indiscretion—almost amounting to a deprivation of reason—to an abandonment of his post—to vacillation—to irresolution—and cowardice was even imputed to him by his slanderers out of doors—and imputed again and again in naked and unqualified terms. Within doors, the assailants of Lord Ellenborough could only screw up their courage to suggest "a somewhat long time taken in deliberation." For into that "thin air" did all the blast, which so violently had blown unbroken for months out of doors, vanish within doors. No doubt the public saw this—noticed these two modes of attack, and that then occurred, which he had always observed to follow from a parliamentary discussion—on a disputed question. Oil was poured on the waves, and a very different feeling prevailed out of doors since the discussion had taken place within. This had been the effect of discussion, and still he complained, bitterly complained, of the attacks that had been made upon an absent

Governor-general. There had been a constant—a studied misrepresentation of that Governor-general, in every variety of form that falsehood could assume; in every shape and guise in which malignity could clothe itself; not very powerful perhaps, not very successful in reaching its object, yet abundantly venomous had the creatures been who assailed him — the superannuated vipers retained their bags of venom, though they no longer had the perforated tooth to squirt it through; and yet when they came to examine all that falsehood and malignity had sought to accomplish, they found that charges like those of vacillation, imbecility, and cowardice vanished into the same "thin air." He was there to deny those charges—he was there at direct issue with those who made charges against Lord Ellenborough, and he said that so far from his noble Friend forgetting what was due to his station—so far from forgetting what was due to his Sovereign and the great country from which he sprung—so far from forgetting his duty as a British Statesman sent to administer a British government, not upon party principles, but upon sound English principles —that it was, he said, upon such principles, that Lord Ellenborough did administer the government, and not in giving to the claims of party that which belonged to the State, and poisoning in its source the purity of his administration as a British Governor in India. He did not make himself a party chief, he was Governor-general of India, and in saying this, he did not overlook that which he supposed was the crowning charge against his noble Friend—that he had taken the opportunity of attacking his predecessor, and inveighing against the policy of a former government in the proclamation, which his noble Friend had issued, to disclose the projects and policy of his own. He was there to take issue upon that charge, and at once and entirely to deny it. His noble Friend was then charged with issuing a proclamation touching the gates of the Somnauth temple, and which it had been said had a direct tendency, first, to alienate by the act itself, and then by the expressions that accompanied it, 10,000,000 of their Mahometan subjects from the government of India. Secondly, he was charged by that act, and by the issuing of that proclamation, with giving encouragement to a superstition as degrading as it was revolting, and which, if it had been justly painted by his noble Friend behind him, was alike disgusting and unreasonable. He was there to deny those charges which had been that night reiterated by a right rev. Prelate. He took issue upon these charges, and if he did not convince every candid man that there never was an accusation brought forward against a public man more utterly devoid of all foundation, and more utterly the reverse of the truth, then he could only say that he should suffer one of the greatest disappointments that it had ever, in any controversy, in which candid, and truth-loving, and charitable adversaries were opposed to him, been his lot to meet. Did Lord Ellenborough blame the policy of his predecessor? His apology was due to that House, for touching on a subject which had been exhausted by the noble Duke, and his noble Friend who had just sat down. He could not help feeling astonishment, when he saw his noble Friends behind him, in the exigency of their condition, driven from paragraph to paragraph. They first relied, as they were bound to do, on the third paragraph, for that was the only one containing an expression that could give effect to the charge thus made; but then, when they were driven from that by the exposition given to it by the noble Duke, and which had been most ably followed up by his noble Friend opposite—when they were driven from that, they said offence was not taken at the third paragraph. God forbid! they should impeach that—God forbid! they should rely on the terms to be found in the third paragraph. No; it was not on the third paragraph that they grounded their charge—for a more innocent, a more harmless paragraph than that was not to be found in any public document of any description! The third paragraph only said this:—

> "Disasters unparalleled in their extent, unless by the errors in which they originated."

And yet it was upon those very words that all those charges had been rung, without cessation and without interruption out of doors, against Lord Ellenborough ever since the proclamation had been known. If they were to poll every man—if they were to undertake the nauseous task of polling every man—if they were to go through the nauseous, the disgusting task of canvassing every man who had joined in the slanderous clamour, if, he said, they were to poll every man who blames Lord Ellenborough, for drawing a contrast between the one government and the other, they would find that all would turn upon these very words, the more easily remembered from the epigrammatic turn with which the sentence was barbed; and as the barb made the arrow rankle and stick in the wound, so, the epigrammatic turn of "disasters being unparalleled unless by the errors in which they originated," their Lordships would find, was the ground of all the charges that had been made against Lord Ellenborough. He ventured to say, that not one of all those who have accused the absent Governor-general of everything their malignant imagination could conjure up—everything from cowardice to treason—not one would fail to fix on the line he had read as the one on which they relied. Now, to advert to this longer were impossible, after having heard the admirable, the unanswerable address of the noble Duke—a speech he did not hesitate to characterise as truly memorable—a speech it was a pleasure and a great fortune to have had the opportunity of hearing, in which an illustrious Commander, with a precision and clearness no one so strikingly displays as himself, and unequalled among the professed masters of the art of oratory—united with a wisdom giving weight and authority to all he says—he said, after hearing the speech in which that noble Duke discussed the mingled military and political questions involved in this subject, connected as it is, too, with a country in which he himself began his course, not only as a soldier, but as a statesman, as must be known to any one who has read his wonderful despatches—founding as they do a fame far loftier even than the triumphs of the warrior—after hearing that speech, it were impossible even for ignorance and inexperience to be incompetent to see the truth on this matter with a clearness which subtlety and sophistry could not obscure. But if the noble Lords here have not had enough—if revelling in defeat, surfeited with discomfiture, intoxicated with failure—if the noble Lords behind know not when they have had enough, and desire a contest upon some other issue, let them give notice of their intention to have another day of it; and whatever field they select for their third attack—unsatisfied with the two former—he would warrant they would retire with heavier discouragement than even has now overwhelmed them. His noble friends after hearing what had been said by the noble Duke and his noble Friend at the head of the India Board, proving that the "error" referred to in Lord Ellenborough's proclamation was not a charge on the policy of the former government, but that it applied to the military operations, then said that they did not rely on the third paragraph—they exclaimed "do not touch that, for it is a disagreeable subject." Then, what were the paragraphs that they did rely upon? It was said the first and second. Why, the first was more harmless than the third. The first paragraph merely stated that the army had crossed the Indus, against a chief believed to be hostile to British interests, and to replace upon his throne a sovereign represented to be popular with his former subjects. Why, no one could suppose that to be a charge against a former government. A more innocent statement of an undoubted fact there could not be. Accordingly, when the first paragraph had been read and commented upon, he heard his noble Friends behind him say, that it was not upon the first paragraph they relied. [The Marquess of *Clanricarde:* No, no.] Then it is the first paragraph that is relied upon. [The Marquess of *Clanricarde:* What I deny is this, that any one on this bench used the words which the noble Lord has ascribed to them.] Then it is the first paragraph that is relied on. He knew not from the noble Lords speeches and denials, from the extreme disorder now prevailing in their ranks, whether the first paragraph were relinquished or adopted. The first paragraph amounted to this—if it contained a charge—that Lord Auckland had directed the army to cross the Indus to expel a sovereign who was believed to be hostile, and to place a chief believed to be friendly on the throne, was it not believed that Dost Mahommed was hostile to British interests? Was it not believed that a friend was to be found in Shah Soojah? The terms of the first paragraph objected to only stated a fact exactly as it was. He then came to the second paragraph, and what did it say?

> "The chief believed to be hostile became a prisoner."

That was a fact.

> "And the sovereign represented to be popular was replaced on his throne."

That was a fact also. It went on to say,

> "But, after events, which brought into question his fidelity to the Government by which he was restored, he lost by the hands of an assassin, the throne he had only held amidst insurrections, and his death was preceded and followed by still existing anarchy."

Here there were no terms of dispraise

against Lord Auckland. It was not a charge against him that he did not know events, which were stated to be "after events." He displaced one sovereign, and placed another, and it was no charge against Lord Auckland to say that he had not foresight, not foreknowledge, and was not infallible. That was the sum of the charge. He would go a little further, and come to the third paragraph. The charge was not one of error against the Indian Government. Now, he contended for it, that it was the duty of the Indian Government, it was necessary for it in its position, to give a reason for the entire change in its policy about to be made. It was to be remembered that Lord Auckland, when he had determined upon crossing the Indus, had issued a very remarkable proclamation, and he might state, without a breach of confidence, what was the opinion of the noble Duke opposite, when he heard that expedition was about to be undertaken. It happened by accident that he was the first person who had informed the noble Duke of that circumstance, which, having read it in the newspaper, he had communicated to the noble Duke upon visiting him at Walmer Castle. With that usual faculty which the noble Duke possessed of taking the shortest road to his object—for, though the noble Duke might not be distinguished as a mathematician, there was no one who showed a more constant knowledge of one proposition, that between any two given points, the straight line is the shortest, his noble Friend upon hearing that intelligence said, that it was impossible, and his noble Friend told him, in a few words, his reasons for thinking that it was utterly impossible the account could be true. The same had been the remark of the venerable and beloved brother of the noble Duke, even before he knew what the noble Duke had said on the same subject. You may succeed at first, said he, and all your difficulties will then begin. He had also had a communication on the subject with a very high authority on Indian affairs, Mr. Mounstuart Elphinstone, who had expressed a similar opinion. Hearing those opinions, he thought it right to pause before he could venture to approve of a policy against which the authorities on the other side were so great. The publication of the first proclamation of Simla had accompanied the crossing of the Indus. He never remembered any Government, in all his experience, giving so fully its reasons for undertaking a great military operation, as the late Government did on that occasion. He thought that it might be all right, but it was nevertheless going out of the ordinary course. It was not the usual course; but, by it, all persons were made acquainted with the reasons for that movement. The secret springs of the policy, or impolicy as it might be called, that actuated the Indian cabinet, and that was participated in by those at home—the secret springs that actuated that policy were unfolded by the hands of the Governor-general, and promulgated at the time that the military operations were begun. Those operations had been successful; but then, as they had been told by those great authorities, they would succeed at first; and when they had succeeded, then it was that the difficulties would begin. The success was to be expected—the result was to be feared. Accordingly so it had happened; the difficulties were found to begin in success, and they all knew the painful result. The calamity had been aggravated by treachery, which perhaps they had no right to expect, and it was accompanied by accidents which they could not have expected, but for which neither soldier nor statesman could be held responsible. But then he came to the next objection—the declaration against the policy of the former Government. That was no secret in India. The Government had sent out to India an individual who had already expressed himself publicly against the policy that had been pursued. They sent out Lord Ellenborough, who in this very place had explicitly declared himself against that policy, and who even said that he hesitated whether the word crime or folly should be applied to it. Then it was no secret that Lord Ellenborough would not act according to the policy of his predecessor—that he objected to that policy in act and deed. Was it, then, to be wondered at, that he should take advantage of the first opportunity for declaring that he would only keep possession of the country until the stain that had tarnished our military glory had been wiped off, and the prisoners had been restored, whether ransomed or unransomed; and then, when he issued a proclamation, which bore the same date in place with that published four years before, and seeing the position in which his noble Friend had been placed, could he, he asked, have avoided saying that a new policy was about to be adopted, and that they were going to retrace their steps? What possible use could there be in concealing it? Was it not known what Lord Ellenborough's opinions were—was the censure not known that he had pronounced—was not every one aware of the steps that were about to be adopted? What would have been the use of mystery, or of Lord Ellenborough saying, that he highly approved of all that had been done, while, in act and in deed, he disavowed it, as in speech he had before condemned it? It would have been the most unworthy, as well as the most unnatural, piece of mystery that ever a governor or a statesman could have embroiled himself with or embarked in. He had heard it said, that on a change of government, or governors, it was totally unheard of to make a reference to a change of policy, or to publish a disapproval of what had been done by their predecessors. He did not find any such principle acted upon. In looking to two of the most recent occasions on which great changes of party and of policy had occurred, he found an opposite course pursued. At the time of the coalition Ministry, when Mr. Pitt removed the Whig coalition in that case, which was a stronger one than the present, the Sovereign was made to express his disapproval of the course that had been pursued by himself acting under the advice of his former Ministers. New Ministers put into the mouth of the Sovereign, the expression of his discontent and disapproval of his former Ministers, and declared that the change that occurred was nothing more nor less than the salvation of the constitution of the country, and this was uttered by the same royal lips which had recommended the India Bill. So it was in 1807, which he remembered himself, and when it was said that the Church was in danger by the acts of the King's late Ministers; the King's Ministers were removed, and the first paragraph of the Royal Speech, upon the new elections having taken place, and secured other Ministers in their office, was to felicitate the nation on the result of a new election, because it had saved the Church from the danger of attack, which the royal lips, through the King's Ministers, declared had been impending from the same King's former advisers. Now, Lord Ellenborough's proclamation told the people of India no more than they knew before. His speeches in Parliament had been published, expressing his dissent from Lord Auckland's policy; and why should he not have declared it in India? If Lord Auckland had read the right leaf, wherefore should Lord Ellenborough be turning over a fresh one? If Lord Auckland's steps had been in the right direction, wherefore should his successor retrace them? But it was because everything had been done wrong, therefore it was necessary to avow an intention of taking a different course; and when the noble Marquess alluded to the case of Lord Cornwallis's very secret letter, condemning his predecessor's policy, let this be known, that hardly six months had elapsed ere it was published in England, being laid before our Parliament; and he saw no reason why Lord Ellenborough was to be denied the liberty of moderately and temperately expounding his own policy, and merely stating that it was not that of his predecessor. But now, for the Somnauth gates. The proclamation it was pretended was such an insult to Mussulmans, such an offence to Christians—supposed to have been an appeal to religious or anti-religious feelings—but he was at issue with the noble and right rev. accusers on this point. It should be known to your Lordships, that these gates originally belonged not to Hindoos or Brahmins—though they were attached to a Brahminical temple, they belonged really to the Jains, who were Buddhists, not Brahmins,—so that the restoration of the building could never have given, in a religious point of view, umbrage to Mussulmans, nor satisfaction to Hindoos. But then, it had everything to do with national spirit. The building was a great memorial of the defeat of the natives of India—Hindoos, Mussulmans, Sikhs, Brahmins, and all—by a cruel and rapacious conqueror, the Sultan Mahmoud of Ghuznee, and such was the value of the trophies, in a national point of view, that Runjeet Singh, the "Lion of the Punjaub," endeavoured to get hold of them, and offered Schah Soojah great sums for the purpose, which, however, the Schah refused. Now, Runjeet, was not a Hindoo—but one of the Sikhs—a sect of which the Hindoos have the utmost abhorrence, as living in what they esteem abominable pollution—the consuming of animal food. Yet this Runjeet Singh desired the restoration of the gates, not on account of the Hindoo claim, but because he was an Indian, and they were a memorial of the conquest of his country. There were many recollections connected with the gates, and all of them were recollections not of sect, but of nation. His attention had been called to, and he had attentively read extracts from a book of good authority in India, called *The Temple, or the Garden of Truth,* and from them it appeared, and there was no authority against it, that in 1,200 Mahmoud of Ghuznee took the then Schah prisoner, he being not a Hindoo but a Mussulman. The Schah was so horrified at falling into the hands of the remorseless tyrant Mahmoud, that he took poison and killed himself in order to escape the fate he dreaded. That Sultan made no less than twelve invasions of India, and in his cruelties he made no distinction between sect or religion. He was as much detested by Mahometans as Hindoos. It was a farce, therefore, to say, that the Hindoos alone cared for the restoration of the gates. It was not a consideration of Hindooism or of Mahometanism; the people of India cared for these gates as Indian men, and it was in that light they considered the honour of their country repaired by the restoration of these gates. He was told, indeed, that men generally cared much more for sects and creeds than for trophies of national honour. Profound ignorance of human nature! Profound ignorance, above all, of national spirit, of national animosities, of national enmities, and of all those things which divide people from people, or which knit the inhabitants of the same country in concord together! He much feared that in no part of the world, and at no age of its existence, could there be ever traced so great a fervour of religious zeal, or so strong a feeling of sectarian fanaticism (if he might use the expression) over the action of national spirit, of national love, and of national hate, as to make men disregard the ties which bound them together in amity, or which made them hate one another, and fight against one another as belonging to different countries; and to lose all such human and secular feelings in their concern about religious matters. If he might be allowed a technical expression belonging to his profession, he would say that men cared less, far less, for the reversion than for the particular estate; and that the thoughts of another world exercised but a very slight influence over their principles, their propensities, their feelings, or their prejudices—compared with that exerted by the actual worldly feeling of their belonging to the same nation, being of the same blood, and which coupled them together in the bonds of amity, on the one hand, or those feelings of animosity on the other which divided them and separated them from one another. The right rev. Prelate (the Bishop of Llandaff) had referred justly to one instance. What did we do when the allies entered Paris? Did we refrain from sending back the works of art to Rome merely because Rome was under the domination of the scarlet individual? Did we refrain from sending back the pictures of their saints? Did we refrain from sending back to Rome the alter pieces of their churches? He put it to any man, however anti-Catholic he might be; however bigotted in his Protestant notions; nay, he would put it to the most prejudiced man in the north of Ireland, or to those prejudiced Presbyterians who abounded all over Scotland, neither of whom, he supposed, could be suspected of lacking zeal against the Roman Catholic superstitions, whether they or any of them would disapprove of sending back those pictures and works of art to adorn the very altars where Romish priests were to raise the Host? There was another illustration at hand. A great many years ago a valuable and unique book, the "Codex Argenteus," a Gothic MS. of the Bible, or, as it was called, "The Gothic Gospels of Ulphilas at Upsal," was taken in war from the Catholics by Gustavus Adolphus at the head of an invading Protestant army, while he was the great champion of the Protestant cause. Observe, this was a Catholic bible, containing all those which we call Roman errors, so that no Protestant could regard it, except as a curiosity, otherwise than with sentiments at least of disapproval. But that is immaterial; it was taken from Catholics by Protestants. Suppose, then, that the illustrious brother of his noble Friend opposite, then at the Foreign office (Lord Wellesley) had not made a sudden political movement of the greatest boldness and celerity, and with the most complete success, in all probability Sweden would have fallen, and Upsal would have fallen into the power of France, instead of joining the rest of Europe in a contest against Bonaparte. But if that movement had not been made, and the French arms had triumphed over Sweden, can any one doubt that Napoleon would have carried from Sweden that "Codex Argenteus as a trophy of war? It would have been acting contrary to his usual practice if he would not have done so. Well, that book was the most valuable possession of Sweden, for they had no pictures or other work of art Suppose it had been taken and carried as a matter of course to Paris—then came his gallant Friend the noble Duke with the allies, and he would say "This shall not remain here;" he would send it back to Upsal as a matter of course; then what would the right rev. Prelate have said? Would he have exclaimed that the noble Duke had tarnished his Protestant fame because he had taken upon himself to send back the Catholic Bible? But it might be said it went back to a Protestant country, and the parallel did not, therefore, hold. But suppose the King of Bavaria, or the Emperor of Austria, or whatsoever Catholic power it had been taken from, had insisted upon having it back. In that case would his noble Friend's Protestantism have prevented him from sending it to Munich or to Vienna? Why he believed that no man in France—in Germany—nay, in the world, would have raised his voice, so as to be audible, against the conduct of his noble Friend; and least of all would they have attributed it to irreligious motives. He contended, then, that the restoration of the gates of Somnauth was connected with the national feeling—was gratifying to that spirit of honour and that spirit of party which pervaded Mahometans as well as Hindoos—Indians as well as Europeans. Moreover, the restoration of these gates was connected with the fulfilment of a prophecy among the people that the welfare and general prosperity of India never could be secured till the gates were restored to Somnauth. No man could feel more strongly than he did the impropriety of making any, the slightest allusion which might wound the religious feelings of another. But the fact was, that you could not avoid giving pain if you did not happen to agree with the opinions of their sect. If he wanted an instance to this, he would go to the speech of his noble Friend himself (Lord Clarendon) who talked of the irritation which the proclamation would occasion among ten millions of Musselmans. But how had his noble Friend consulted the feelings of 120,000,000 of Hindoos—that people who regarded the ceremonies of their faith with the most profound veneration whose lives were passed from the cradle to the grave in that unbroken veneration, who regarded those ceremonies as sanctity itself—when he had characterized some of those ceremonies as vile abominations of the grossest description, horrible to think of, and too disgusting to describe? He blamed not his noble Friend for that, but let him not reserve all his indignation for Lord Ellenborough, while he himself used such expressions without thinking he could give pain to 120,000,000 of Hindoos, and without caring whether he gave it or not. They had been told that the language of the proclamation, critically speaking was inflated. He (Lord Brougham) did not stand there in an assembly of critics, but among statesmen and lawyers. Why they had heard many allusions to the exaggerated style of the bulletins of one of the most extraordinary characters of modern times. It was known that that great man, although not a native Frenchman, was yet renowned, among the best composers of that people so delicately sensitive, in regard to their language, as one of the most original composers of French, and as having a style peculiarly and remarkably his own. In penning those bulletins, he well knew he was not writing the language as he would have written it for the drawing-rooms of Paris, or for the critics of a literary coterie, but for the multitude—for the mob—for the rabble, military and civil, to whom his proclamations were addressed. Those proclamations produced their effect. He had tact enough to know—he could not have failed to observe, as a man, as a soldier, aye, and as an author too, if, and if so when, those proclamations were unsuccessful in their effect. Had the style ever changed, it would have been apparent, that he had perceived the failure of his addresses in producing the effect he desired to make. But he persisted in that style to the end, and no man denied its great success. Many of us accused the statements of falsehood; none of us ever thought of quarrelling with the language in which they were couched. The answer to critical cavilling at the style of these addresses, was simply that the writer knew those whom he was addressing. And why should not the same argument be applied to Lord Ellenborough? He (Lord Brougham) had a right to say that he knew Lord Ellenborough as amongst the most eloquent who sat in that House, and amongst the most correct of men both in writing and speaking. Why, might not Lord Ellenborough be supposed to know what he was about, and to have adapted his style to those whom he addressed? The intentions of Lord Ellenborough had been acquitted in express terms by the admission of his (Lord Brougham's) noble Friend. He relied upon the tendency of the proclamation, but it was not so elsewhere. Out of doors it was all about "intentions," in doors it was all about "tendency." Out of doors Lord Ellenborough was charged in direct terms with intentional impiety. Now it would not do to say in that House that no one there charged him with impiety. Out of doors he (Lord Brougham) repeated that the bulk of Lord Ellenborough's accusers charged him with impiety—"impiety" and "intentional impiety" were the words applied to him. Much too had been said about the misapprehension with which the proclamation would be received in India. He had no fear of that. People in India were accustomed to the style, and they knew the facts. The people of India were a sagacious and far seeing people. Faults they had, but they were not generally of the understanding. There was no equivocal expression in the proclamation which might mislead men as to Lord Ellenborough's intention. My Lords (continued the noble and learned Lord) I have now discharged a duty which has been only painful, because it has caused me to trespass so long upon your Lordships' attention. But it is a duty which has given me the most heartfelt satisfaction, to join with my noble Friends opposite, on this occasion in defending the noble person who has been so vehemently assailed. The characters of public men, it has been observed, until the expression has passed almost into a proverbial aphorism, is public property to all time, and public property of inestimable value. It becomes then, the duty of other public men, and the public whom they counsel, and whom they represent, to protect the characters of their fellow statesmen when assailed. But, my Lords, if at all times this is an imperative duty upon you, and if the highest interests of the country are best consulted by a manful discharge of that duty upon ordinary occasions, when the men assailed are present to defend themselves, when those who are assailed are here to join their defenders in repelling that attack, and when you perform that duty upon easy terms, having those who are attacked as coadjutors in the defence, and when all the dark passages in their conduct can by themselves be cleared up, all doubtful things settled, and all mysteries requiring explanation thrown open by their own statements, how much more imperative, and exigent, and sacred, becomes that duty of defending the public character and conduct of those whom half the globe divides from the scene of the assault; when they are not here to defend themselves; when they are not with us to explain their motives; when they are not present to illustrate the dark passages of their conduct, to settle doubtful things, and expound mysterious—then, then, it becomes of all duties the most sacred, that we do not give way to the influence of slanderous imputation, that we do not suffer our minds to be invaded and overcome by constantly repeated falsehood, by constantly recurring misrepresentation and insinuation, by the glosses of a malevolent spirit, or by the slanders of a malignant construction; but that then, above all other times, we should take for our aid Hope, Faith, and, above all, Charity—charity, that "beareth all things, endureth all things, hopeth all things, and believeth all things;" and that we should strain and stretch our minds rather to hope that the absent accused may have been in the right—to believe that the absent attacked might, if present, be able successfully to defend himself rather than to give easy credence to every report circulated for the purpose of slandering away the character of that absent man, and award our verdict or vote—a vote which will be construed into a verdict of "guilty" against one in station so exalted, but in distance so removed. My Lords, it is resting on these grounds, and inspired with these feelings, that I ask, and that I expect for my absent Friend, at the hands of your Lordships a verdict of immediate and an honourable acquittal.

The Marquess of *Lansdowne* rose for the purpose of referring to an observation of the right rev. Prelate opposite, who had said that the late Government did tolerate other proceedings calculated to encourage superstition and idolatry; but the right rev. Prelate must have been ignorant of the facts; and he begged to remind the House that Parliament had pronounced its opinion upon the question of any contact between the Government and the religious ceremonies of the Hindoos. In consequence of the repeated and earnest representations of the right rev. Prelate, who he lamented was not now in his place, the whole of the subject had been most fully and carefully inquired into, and investigated with a degree of minuteness of which the noble Duke opposite was quite aware. The results of that inquiry filled the whole of a blue book, and it was hoped that one consequence of it, at least, would be to place upon a permanent footing the relations subsisting between the Government of India and the religious sects of that country. Instructions had accordingly been given to prevent the Government from coming at any point into contact with any part of the idolatrous ceremonies of the Hindoos; and a letter of the Board of Directors, sanctioned by the Board of Control, and approved by Parliament, had been sent to the late Governor-general, thanking him for the zeal, ability, and above all, the discretion with which he had put an end to the connection between the Government and the Hindoo temples. It was most important, that when a new Governor-general had arrived, almost immediately after the new arrangement had been effected, nothing should be done in any way calculated, even apparently, to renew that contract; and was it not in itself a condemnation of Lord Ellenborough's proclamation, that such an imputation, unjust though it be, should, in consequence of it, have become so general? The noble Duke had called it a song of triumph. If the noble Duke had been there he would not have sung at all; but, at all events, his song would not have been made a sacred song. The Governor-general, too, had written his proclamation in ignorance of the facts. From the Governor-general they had — The Temple of Somnauth, first edition; the Temple Somnauth, second edition; the Temple of Somnauth, third edition; and then came the noble Duke and said there was no temple at all. The noble and learned Lord (Lord Brougham) with prophetic eye, could see all the various classes of Hindoos and Mahometans delighted at the restoration of those gates; but he could not enter into the rapturous anticipations of the noble and learned Lord; who he thought had treated the subject rather unfairly in attempting to institute a comparison between the Protestants and Catholics in the different kingdoms of Europe, and the Hindoo and Mahometan in India, both placed under our Government. He contended that there was no parallel between the restoration of Catholic pictures and relics. The noble Duke had stated with all the weight and authority that belonged to him, how happy it was that Mahometans and Hindoos were brought together to fight in the ranks of the same army. But it was because it was so important that this should take place, and above all because it was so important to our Indian empire—it was on this account that the Government of India should cautiously avoid doing anything calculated to create a suspicion of partiality towards one over the other, or a suspicion that it was the intion of our Government to rest for support on the affections and honour of one class in preference to the affections and honour of the other. He would not now enter into the question how far it was true that the temple of Somnauth was in existence or not. His version of the story was, that the ancient temple had been destroyed, and that a similar but a smaller one had been erected in its place, and that it was a Hindoo temple. Now, he (the Marquess of Lansdowne) would not do the Governor-general of India the injustice to suppose that it was his intention to restore the gates to this temple, although he stated in his proclamation that one of the objects of the war in Affghanistan was to restore those gates to the temple of Somnauth. With respect to this proclamation, he was not inclined to look upon it as anything more than an indiscretion on the part of the noble Lord. He was sure that, to some extent, the noble Lords opposite agreed with him in the view which he took of Lord Ellenborough's conduct. They would seem to say something about it that was not exactly censure, nor was it disapprobation, but a good deal of surprise. As to the people of England, they certainly did not approve of the proclamation. He would defy any one to deny that the whole of the proceedings with respect to the gates of Somnauth was regarded as an instance of indiscretion; and that, certainly, there never had been anything like a precedent to justify a proceeding. He believed that it was written in a moment of exultation at the triumphant termination of the war, and in connection with the triumphs of war he wished to show that there was also the triumph of the Hindoo religion. He would merely say that he looked upon that proclamation as an indiscretion. Wih respect to the other proclamation, he did not think that the noble Lord ought to have entered upon a review of the policy of his predecessor in the Government of India, or if he thought proper to have entered upon it, he ought to have placed all the parts of that policy fully under observation. He thought the rule of Lord Cornwallis referred to by his noble Friend was perfectly applicable, and he believed that it was altogether without precedent to issue such a proclamation as the present Governor-general had issued. If the noble Lord thought it necessary to allude to the policy of his predecessor, he should have included a complete view of that policy. There could be no doubt that there was a strong feeling on the part of the public at large with respect to these proclamations, and he thought that his noble Friend was perfectly justified in calling their Lordships attention to this subject, and making those proclamations the subject of comment in

Their Lordships divided—Contents 25; Not-Contents 83: Majority 58.

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Adjourned a little before twelve o'clock.

HOUSE OF COMMONS,

Thursday, March 9, 1843.

MINUTES.] BILLS.—*Private.*—1°· Cliffe-cum-lund Inclosure; Thames Latlage and Ballastage; Dean Forest and Gloucester Railway; Scarborough Harbour; Northampton Improvement; Rochdale and Manchester Road; Topsham Improvement; Liverpool watering; Walton-on-the-hill Rectory; Northern and Eastern Railway; South Eastern Railway; Sowerby and Sayland Inclosure; South Eastern and London and Croydon Railway; Preston Waterworks; Sunderland Floating Harbour; 2°· Lancaster Lunatic Asylum.

PETITIONS PRESENTED. By Sir J. Hanmer, Capt. Plumridge, Mr. Ormsby Gore, Mr. Turner, Mr. Strutt, Mr. Kemble, Mr. Aldham, Mr. Hindley, Sir John Easthope, Sir G. Grey and Mr. V. Smith, from Members of the Committee of the Hull and East Riding Auxiliary of the London Missionary Society, Bodmin, Southampton, Ilkeston, St. Columb, Secretary of the Committee of the Baptist Missionary Society, Birmingham, Bristol, Leeds, (three Petitions), Mevagissy and other places, Falmouth, Truro, Croydon, Oswestry, Batley (two Petitions) Derby, Leicester, Leicestershire, Stroud, Subscribers to the London Missionary Society, and Sheffield, for the adoption of Measures to counteract the influence of the Governor-general's Proclamation respecting the Gates of Somnauth.—By Captain Polhill, from W. R. Copeland and T. E. Fitzwilliam, for Repeal of the Act affecting Theatrical Entertainments.—By Mr. S. Crawford, from Kilmury, Grange Mockler, Gammonsfield, Clonea, Carrick-on-Suir, Carrickbeg, Rathgormack, and Newtown, for altering the Laws between Landlord and Tenant.—By Captain Pechell, and Sir John Easthope, from Leicester, and Mr. Wilson, against the Bankruptcy Act of last Session.—By Mr. Wodehouse, and other Members from Fenny Compton, Kinwarton, and Great Alne, Ross, Watlington, Norwich, Bicester, Hampton Poyle, Banbury Chesterton, Buckwell, Lewknor, Newton-Purcell-cum-Shelswell, Ensham, Tetsworth, Somerton, Rev. John Holland, and others, Goddington, Hirnant, and Charlbury and other places, for Church Extension.—By Mr. Wyndham, from Petworth and Houghton, for the Repeal of the Malt-tax. — By Mr. O. Stanley, from Aylesbury, Portsmouth, and Reading, in favour of the Dogs Bill.—From Paddock, and Longroyd bridge against the Repeal of the Mines and Collieries Act.—From the Hereford Union, for the Repeal of the Registration of Births, &c. Act.—From Bromyard and Knutsford, against the Ecclesiastical Courts Bill.—From Maybole, for Settling the Scotch Church Question.—From Barnsley, for Altering the Poor-law Amendment Act.—From the Dublin Protestant Association, against any further Grant to Maynooth College.—From Derby, against the Health of Towns Bill.—By Mr. W. Patten, from Southern Division of the Deanery of Frome, Caerwys, County of Flint, Norwich, Bagillt and Coleshill, Ysceifiog, Halkin, Hope, Llandyssil, and Cwm, against the Union of the Sees of St. Asaph and Bangor.

GILBERT UNIONS.] Captain *Pechell* begged to call the attention of the Home Secretary to a communication which he had that day received from the master of the Preston union, in the county of Sussex, in which he was informed that a few days since, at ten o'clock in the morning, a gentleman of that district, accompanied by the assistant Poor-law commissioner, came to the workhouse, went through the whole of it, examined the governor upon oath, and, although the visitor of the union lived within a quarter of a mile of the workhouse, took no notice of him and held no communication with him. All this was done for the purpose of making a report to the Poor-law commissioners upon the conduct of the Gilbert unions. He wished to know whether the Poor-law commissioners had the sanction of the Home Secretary for such a proceeding, which had all the appearance of being very irregular. Was it the intention of the right hon. Baronet to get evidence by these indirect means, in order to prejudice the country against the Gilbert unions?

Sir *James Graham* observed, that as the gallant officer had not been so obliging as to give him notice of his intention to ask a question upon this subject, he was not prepared to give him a direct answer. He was not in any way informed of the particular facts to which the gallant officer referred. He might state, however, that he had given general instructions to the Poor-law commissioners to make inquiries into the conduct of the Gilbert unions. He knew nothing of the particular case to which the gallant officer alluded; but since his attention had been called to it, he would cause an inquiry to be made, with the view of ascertaining what the facts really were.

LORD ELLENBOROUGH'S PROCLAMATION —SOMNAUTH.] Mr. *Vernon Smith* rose to bring forward the motion of which he had given notice. He was perfectly aware of the difficulty that always existed in the way of attracting the attention of the House to any subject concerning our dominion in India. All that passed in that distant region seemed to be beyond the sphere of the House—seldom became the subject of its discussions, and hardly ever rivetted its attention. If upon a previous occasion he had trespassed upon the indulgence of the House, and had secured its kind attention when adverting to the subject which he was now about to bring more fully under its notice, he hoped he should not be deemed too great a trespasser, if he spoke again at some length on the present occasion, because the vote, which he should conclude by putting in the hands of the Speaker, was one which necessarily involved a preliminary discussion. He hoped that to whatever other imputations he might subject himself by bringing forward this motion, he should not be accused of pursuing any ungenerous course towards the noble Lord, the object of the present charge. Upon the previous occasion, when he asked the House to listen to the statement, into which he entered, when calling for the production of papers, he felt it only becoming in him to preface his motion with some observations. He felt this obligation infinitely more imperative upon him on the present occasion, because, upon his motion for the production of papers, he was met by the right hon. Baronet (Sir Robert Peel) with this remark: that it was not fair to consider an act like that to which he wished to invite the attention of the House, without considering the whole conduct of the Governor-general of India; and the right hon. Baronet at the same time told the House that he was about to produce such a mass of matter as would show how invidious it would be to separate any one act of Lord Ellenborough's conduct from the rest. The right hon. Baronet promised to produce such a mass of matter as should show the Governor-general in such colours as to make it impossible for any one to condemn him upon any one single subject, so great was his fame upon all others. The promised testimony to Lord Ellenborough's conduct was now upon the Table of the House. It was contained in a ponderous Blue Book; and he confessed that it appeared to him, that in that Blue Book there was nothing that could engage any body to vote against his present motion, who would have been in any way inclined to support the motion he made upon the previous occasion. Upon many points, indeed, the contents of it confirmed and strengthened his first opinion of the proclamation to which the present motion would refer. One novelty, indeed, for which he was thankful in a second speech, had been introduced, and placed in his hands. He should be extremely unwilling to use any such strong language as had been used by the hon. and learned Member for Bath upon a recent occasion, but he must say that the production of the Blue Book showed the proclamation in question in a new light in this respect, that it exhibited to India, to Europe, and to mankind in general, a complete misrepresentation, by the Governor-general of India, of the objects and intentions of the war; and not only so, but it showed a decided misrepresentation on the part of the Governor-general of his own objects in the war. He had marked a great number of passages, as many, he believed, as seventeen, in the Blue Book, which exhibited a decided intention, on the part of the Governor-general, to withdraw the troops from Affghanistan. He should be loath to trouble the House by reading these passages—they must have attracted the attention of every one who had read the volume in which they were contained: he would, therefore, abstain from quoting them, unless he were challenged to do so by a denial of the intention of the Governor-general to withdraw the troops. That such was the intention of the Governor-general was indicated upon many occasions, and in many instances. It was indicated in his very first despatch to the secret committee—in his letter to Sir Jasper Nichols, upon different occasions before and after General Pollock had passed the Khyber—before and after the raising of the siege of Jellalabad; in short, up to the end of June, 1842, every indication that was made of the Governor-general's intentions would lead to the conclusion that he designed to withdraw the troops from Affghanistan. As he heard no denial of this from the Ministerial Bench, he should take it for granted that such was the intention of the Governor-general, and, therefore, would spare the House the quotations which he should otherwise feel it necessary to make from the Blue Book, to show the accuracy and incontrovertibility of the conclusion to which he was led by the evidence contained in that volume. He was not going to enter into the question of whether the withdrawal of the troops was or was not the proper policy for the Governor-general to pursue. It would, perhaps, be better for his argument, to assume that the withdrawal of the troops would have been the right and proper course; but whether that were or were not the original intention of the Governor-general, it was utterly impossible for any one to read the letters and despatches, written by the Governor-general upon his first assuming the government, and to compare them with the proclamation afterwards made, without being deeply struck by their contradictory character. He said that up to the end of June, 1842, it was manifestly the intention of the Governor-general to withdraw the troops from Affghanistan. He would now call the attention of the House to a letter written by the Governor-general on the 4th of July, 1842. It was in that letter that the first mention was made of the subject of the subsequent proclamation. If the House would favour him with its attention, he would point out to it how this measure of the Governor-general's "policy," as it was called by the right hon. Baronet (Sir Robert Peel) the other evening, had first been introduced to the notice of India. In his letter to General Nott, of the 4th of July, 1842, the Governor-general pointed out two courses that might be pursued by General Nott in his retreat from Affghanistan, the one was, to take the course by Quetta and Sukkur, the other the course by Ghuznee, Cabul, and Jellalabad. He argued as to the consequence of taking either of those courses; and it appeared to him, that the Governor-general indicated his inclination to be in favour of Quetta and Sukkur; were that so or not, the object was to effect a retreat; and he said, that if he retreated by Ghuznee and Jellallabad, there would certainly be much risk incurred, but there would at the same time be some glory to be gained; and it was upon that occasion that the Governor-general, for the first time, mentioned the subject which in his proclamation, is the chief and only object of the expedition into Affghanistan.

> "You will recollect (said the Governor-general), that what you have to make is a successful march; that that march must not be delayed by any hazardous operations against Ghuznee or Cabul."

So there again he deprecated any hazardous operations against Ghuznee; and yet he would ask the House whether if these had never taken place, should they have ever heard of the subject which had since been declared to have been the whole object of the war, namely, the recovery of the gates of Somnauth? The Governor-general went on to say,

> "If you should be enabled by a *coup-de-main* to get possession of Ghuznee and Cabul, you will act as you see fit, and leave decisive proofs of the power of the British army without impeaching its humanity."

So far nothing could be better than such instructions; but it was here for the first time that he introduced the main object of the war; and it was introduced in a merely incidental manner, not as specific instructions, but as a sort of postcript from one who had just remembered, to one who might possibly have forgotten something. For Lord Ellenborough, just in half a sentence, told General Nott,

> "You will bring away from the tomb of Mahmoud of Ghuznee, his club which hangs over it; and you will bring away the gates of his tomb, which are the gates of the Temple of Somnauth. These will be the just trophies of your successful march."

The proclamation made no mention of the club; perhaps, the next mail would bring a proclamation upon that subject also. Nothing could be put in so strong a contrast as the casual and incidental manner in which General Nott was instructed to obtain the gates of Somnauth, which he might or might not have got possession of, according to the course of retreat he might have taken—with the language of the proclamation, in which the getting possession of those gates was put forth as the great object of the war, and now we had got them, that the tomb of Sultan Mahmoud now looked down upon the ruins of Ghuznee. The whole policy of the Governor-general, as exhibited by these papers, was such as to demonstrate that he had no right to attempt such a political fraud upon the people of India, as was contained in the terms of his proclamation. The production of these papers, therefore, by the right hon. Baronet, as a vindication, had added mockery to the insult that was conveyed by a document which had been treated throughout Europe with ridicule, and had excited feelings of anxiety and alarm throughout the whole of India. What, he would ask, could possibly have been the object of the Governor-general in issuing this proclamation? Had there existed any discontent among the Hindoo population? What feelings of irritation was it meant to allay? Could it be supposed, that any feeling connected with the gates of Somnauth could by possibility have extended beyond the limits of Guzerat itself? On a former occasion, he read to the House an extract from the historian Gibbon, showing that the invasion of Guzerat by Sultan Mahmoud, was the result of a religious war, undertaken to promote the Mahometan religion as against the religion of the Hindoos. That statement was at the time denied, but, in his opinion, upon no competent authority. He believed that the best living authority upon the subject was that of Mr. Mountsteuart Elphinstone; and how was it that he spoke of this invasion? He said that Sultan Mahmoud determined to make a final effort, to transmit his name to posterity as the greatest scourger of idolatry, and the greatest friend to the cause of the true Mahometan faith. This was his object; and he knew of no words in the English language that could show more strongly the feelings which actuated Sultan Mahmoud, than those used by Mr. Elphinstone, or that could more distinctly prove that the invasion of Guzerat was a religious invasion. To that argument the right hon. Baronet (Sir R. Peel) answered, that Sultan Mahmoud was not strictly a religious man. When the hon. Baronet (Sir R. Inglis) threw out some imputation upon the religious motives of Lord Ellenborough, the right hon. Baronet said—

> "If Lord Ellenborough was not a religious man, so neither was Sultan Mahmoud."

It was not a good answer; but looking at it in a religious point of view, he confessed it appeared to him to matter very little what the motives of the Governor-general were. God forbid he should say of any man unadvisedly that his motives were not religious. But whether the feelings of Lord Ellenborough were religious or not, it was quite clear, that the tendency of the proclamation was to act in favour of the progress of the Hindoo religion in the East, just as the tendency of the invasion of Sultan Mahmoud was to put an end to idolatry, and promote Mahometanism in Guzerat. If the intention of the right hon. Baronet, in producing this Blue Book, was to set up Lord Ellenborough in that high position, in which he spoke of that noble Lord on a former occasion when this question was under discussion, then the House ought not to have been contented with those meagre and scanty thanks which they had given to the Governor-general. Never was public gratitude so limited or expressed in words—so narrowly clipped down to the slightest meaning, as on the occasion of voting thanks to Lord Ellenborough. Look at the thanks that were voted to Lord Wellesley after the capture of Seringapatam, and compare them with the vote of thanks to Lord Ellenborough; and he then thought the House would at once assent to the justice of the observation made by the right hon. Baronet in 1840, that it was unadvisable to mix up a vote of thanks to a civil officer with thanks to general officers. Although from amidst the blaze of military glory which surrounded the heroic achievements of Nott and of Pollock, it might have been invidious to drag my Lord Ellenborough, yet he did not see why the House should allow the Governor-general to escape censure, under the bursts of laughter with which his proclamation had been received in every quarter. The object of Lord Ellenborough might have been to gratify the Hindoos; but there was another population in India, the good feelings of which it was, if not more important, at least as important, to cultivate as the Indian population itself—and that was the Mahometan population. According to the best statistical authority the proportion of Mahometans to Hindoos was as one to seven; but the Mahometans were a concentrated race, and were bound together by one common religion, whereas the Hindoos were not, for, various as were the people, so various also were their faiths and creeds. What had always been the notion of the best Governors-general of India, as regarded their treatment and feelings towards the Mahometan population? Referring to that rich source of wisdom which was always present to the mind of every one who was anxious to know how India should be governed—the despatches of the Marquess Wellesley—he found that in 1802 that eminent man, when speaking of his having accepted the Order of the Crescent from the Grand Sultan, said that his object in pursuing that course was to avail himself of the advantage to be derived from the circumstance of being considered by the Mahometans of India to be on friendly terms with the head of the Mussulman faith, and that the fact of the order being presented to him was calculated to show the estimation in which the British Government and army in India were held by the Ottoman Porte. Such was the opinion of the Marquess Wellesley regarding the proper attention to be shown by the British Government in India to the Mahometan population. But what was the course which the present Governor-general had pursued? Lord Ellenborough could not for a moment but suppose that his proclamation must be considered offensive to the Mahometan population of India; but, above all, there was a part of the population which it was his duty to attend to more than any other, and that was the population which composed our Sepoy regiments in India. It was, perhaps, one of the most curious and anomalous histories in the whole world. You possessed a whole army composed of men raised out of states you have conquered—not raised as the recruits of your own army are raised, but selected out of the higher and better castes of India—Mahometans and Hindoos. These were the Sepoys, on all occasions found faithful. From the battle of Plassey to the late destruction of Ghuznee they had fought side by side and given blow for blow with the British force. Whether led on by a Clive or a Wellesley they had always taken a prominent part in promoting the prosperity of our Indian empire. The defence of Arcot was the first occasion on which they much distinguished themselves; and he mentioned it to show how deeply interwoven with their military feelings were their religious prejudices. It was on that occasion said by one of themselves, that though the Sepoys were not so active, yet they could submit to greater privations than the British soldier, and that they had this advantage over the English, that while the Sepoys might minister food to the English, the English could not be allowed, by the religious customs of the Sepoys, to cook for them. The rice being deficient in quantity, it was proposed by the Sepoys that the British troops should live upon the grain itself, while they would live upon the water in which it was boiled. There was a mutiny at Vellore in 1806, which, according to Sir Thomas Monro, arose in consequence of an attempt to annihilate the distinctions of caste among the Hindoos. By whom was that insubordination put down and punished? Mainly by the Sepoys themselves. On subsequent occasions, mutiny and insubordination had occurred among the native troops, solely arising from their religious feelings being outraged. How greatly, then, did it behove those who had to govern such a people, to consult their religious feelings. This was no fancied dream of his. By papers which had been presented to the House of Lords it appeared that a court-martial was held upon a Mahometan soldier for refusing to accompany a Dushra procession. It appeared in evidence that so strong was the feeling on the part of the Mahometans against attending those Hindoo processions that a Mahometan holding a commission declared that if he were ordered to go and throw himself into the sea he would do so, but as for going to fire before an idol he would rather forfeit his commission. What was the result of that court-martial? Why, they were obliged to acquit the man, and issue an order preventing the attendance at such processions again. This was one of many instances which ought to have been consulted by every man who took upon himself the authority of directing military matters as Governor-general of India. If the issuing of the proclamation by Lord Ellenborough was not to gratify the Hindoos, or to satisfy the Mussulman population, it was difficult to say what could be the meaning of it. There was nothing very attractive in the object itself. He did not care whether the gates were actually the gates of the temple of Somnauth, or whether they belonged to any other temple. One of the most eminent authorities on the subject, Mr. Masson, who had travelled in Affghanistan, said that there were but the fragments left of any gates, but that in fact they were no such thing as the real gates of the temple. The tomb, also, of Sultan Mahmoud, which is "now looking," they were told, "down on the ruins of Ghuznee," was not the original tomb; it having been over and over again constructed and reconstructed. All these things added much to the ridicule of the transaction. It was not his object, however, to treat it with ridicule; but let him warn the House that ridicule itself was not to be overlooked by a Governor-general of India. It was not as in this country, where things of this sort passed over their heads like a summer's cloud, and nothing more was said about them. In India, the British dominion existed in the conviction which the natives entertained of our discretion, judgment, and prudence. It was that feeling which induced them to submit to our sway; and if therefore we sent out a man to govern India who made himself ridiculous to the native population, then were we predjudicing our possession, and our empire, in that vast portion of the globe. He would not enter into the subject as to the nature of the worship carried on in the temple of Somnauth. He could not suffer himself to advert to those foul and filthy details which history gave of that worship. He must say that anything more repulsive than the worship of the monster deified in that temple could not have been chosen as an object of protection by any Governor-general. The monster was represented as going about the world in the form of a ghost; as being inebriated, and disgusting in his form, and as doing the most revolting acts; that having cut off the head of a child, because he did not think him to be one of his sons, he substituted that of an elephant, and that monster was also said to have committed the most atrocious acts. There was nothing of an alluring nature to be found in the attributes of such an idol, which might sometimes be conceived to exist in the object of heathen worship. But, beyond all this, Siva, which was the idol's name, was not even a popular deity. He was supported exclusively by the Brahmins. He might quote Mr. Elphinstone to show that the idols Krishna and Vishnu were infinitely more popular. But it might be objected to his present motion, that it would be better not to agitate such matters as these. From such an opinion he decidedly dissented. It was very well for those who patronized an erring Governor-general to cry, "Hush! the proclamation will do less harm by letting it alone." What he wanted was to rescue the British name from the reproach which ought to rest upon one individual. He had invited the attention of the House to this subject in order to show that the British Parliament and the British people would not sanction the conduct of the Governor-general. He did not know whether or not the House was aware of the proceedings of the Court of Directors of the East India Company with reference to this subject. He had on a former occasion quoted certain expressions from the famous despatch of Lord Glenelg with reference to the pilgrim-tax, which, though they might be new to hon. Members, could not fail, he conceived, of producing some effect upon their minds. He feared that many matters respecting India were new to the House, with which Members ought to be familiar. Since the promulgation of Lord Glenelg's despatch, another despatch had been issued by the Court of Directors, to which he entreated the attention of the House. The despatch relating to the pilgrim-tax was issued in 1833, and in August 1840, Lord Auckland, the then Governor-general of India, wrote to the government of Madras, expressing a hope that they would without delay carry into complete execution the measures which had been recommended by the honourable Court of Directors, in order that the important change, which had been commenced with such fair promise of success, might ere long be safely and completely introduced into every part of the British Indian dominions. This proceeding was approved of by the Court of Directors, and on the 3rd of March, 1841, a despatch was sent out by the honourable Court, in which they stated that the measures of the Governor-general, as far as they went, were satisfactory, and that they trusted that the suggestion which had been made for the final and complete separation of the Government from all affairs relating to the management of native temples would be carried out. But the Court was not satisfied with this. The pilgrim-tax in India had been abolished, and the subsequent instructions recommended the discontinuance of all interference on the part of the Government with matters relating to the temples. On the 18th of May, the directors, in a proclamation issued by them, adverting to the attendance of the troops and of military bands at native festivals or ceremonies, and to the firing of salutes by the soldiers on such occasions, recommended that these matters should be dealt with in such a way as to promote the object of seperating the Government and Government officers as far as possible, from all interference with ceremonies connected with the Hindoo and Mahometan religions; and the directors further required, that no troops should be called out to fire salutes, and that no military bands should be allowed to attend, at such festivals and ceremonies. In what light, he asked, could Lord Ellenborough have viewed these despatches? How had he construed them? This dispatch was signed by the usual number (thirteen members) of the Court of Directors; but he would only trouble the House to notice three of those signatures. He would like to know what was the opinion now entertained by those hon. Gentlemen who had, in May, 1841, signed this dispatch of the Court of Directors, of the proclamation of Lord Ellenborough? The three names to which he would refer the House were those of George Lyall, the Member for the city of London; William Astell, the Member for Bedfordshire; and James Weir Hogg, the Member for Beverley. He should be guilty of impertinence if he even supposed that those hon. Gentlemen would not vote for the motion he had now brought before the House, for those hon. Gentlemen had attached their names to the orders to which he had just alluded, and which, in his opinion, the Governor-general had so completely evaded. He did not wish to detain the House by dwelling at any length upon the language of this proclamation of Lord Ellenborough, for he was anxious to avoid exciting any ridicule on a subject of this nature. He was perfectly well aware that this proclamation could not fail to excite ridicule, and he did not believe that any hon. Gentleman in the House entertained a contrary opinion. The right hon. Baronet at the head of her Majesty's Government

"——— laughs too, no doubt;
"The only difference is, I dare laugh out."

Hon. Members who were disposed to defend this proclamation might say that in the clubs, and in the circles of society in which they moved, it had produced no effect, and that its consequences in the distant country of India ought not to be regarded. He was willing to appeal to any one who had quitted India since the issuing of this proclamation, as to the opinion which was entertained of it in that country. He considered the close of the proclamation to be remarkably curious. He alluded to that paragraph which the Governor-general invoked "that good Providence which had hitherto so manifestly protected him." He must be allowed to say, that he thought the debt the Governor-general owed to Providence was not for having protected him alone, but for having raised up for him, and for this country, in the hour of need, men like the gallant Nott and the resolute Pollock, who refused to obey the Governor-general's orders, or to follow implicitly his directions, but who, following the dictates of their own discretion, chose rather to conquer than to obey his instructions. The country was, indeed, deeply indebted to those gallant officers, and to the troops who had acted under their command. And by whose means, again he said, were these victories won? Look at the spirited boast of General Nott, contained in that celebrated letter of his, which ought to be read and learned by heart by every soldier in this country— "will go out to face 5,000 Affghans with 1,000 Sepoys at any time." What enabled that gallant Officer to make this boast, and to place, as Lord Ellenborough said, "our triumphant standard upon the fortress of Ghuznee?" It was the conviction entertained by the Sepoys, that under our rule they would enjoy superior comforts, and happiness, and safety, to that which they could possess under any other sovereignty, under the bigotry of Aurungzebe, or the difference of the Emperor Akhbar—it was the conviction, that after that standard had waved in triumph over their enemies abroad, it would float over the security of their religious liberties at home. It was this conviction which enabled the troops of the gallant Nott to achieve those victories of which this country was so justly proud, and of which the Governor-general had been so unjustly boastful. The right hon. Baronet opposite had stated the other night, when speaking upon the motion introduced by the hon. Member for Bath, that if he wished to retaliate, he would have voted with the hon. Member for Bath, because a proposition was subsequently to be made for censuring the conduct of Lord Ellenborough. He was surprised to hear from the right hon. Baronet an acknowledgement of the principle of retaliation in political matters; but it appeared to him that the two cases were so entirely separate and distinct, that even if the right hon. Baronet had been disposed to retaliate, he could not have justly taken that course. He believed that the right hon. Gentleman would be anxious to put an end to the system which had been pursued by the Governor-general of India. But how was this to be done? He might be asked what was the object of his motion; he might be told that he ought to move directly for the recall of Lord Ellenborough. He believed that even if he were disposed to pursue such a course, it would be informal and open to objection. He understood that some doubt existed as to the power of the Government to recall the Governor-general. [An hon. Member expressed his dissent.] Doubts had certainly been expressed in the Court of Directors as to the power of the Crown to recall a Governor-general who was appointed by the Board of Directors. But a stronger reason induced him not to propose the recall of the Governor-general, and he thought it was one in which the right hon. Baronet would coincide—it was a conviction that the executive branch of the Government were the proper parties to make representations to the Sovereign on such a subject. He had not on a former occasion shrunk from stating what course he thought the Government ought to pursue, and he was prepared to do so again. He had not, therefore, the slightest hesitation in saying, that he considered that the Governor-general ought to be recalled; and this, he believed, was not only his own individual opinion, but the opinion of most men who were acquainted with Indian affairs. He had not dwelt upon any vague reports; but reports were rife in particular circles in London, reports proceeding from authoritative and well-informed quarters, that the Governor-general had interfered, throughout India, and in every possible way, with all branches of the services, civil and military. He would put it to the House whether the proceedings of the Governor-general in India had been such as to render it a matter of importance to retain him there? If the Government thought Lord Ellenborough a valuable acquisition, let them place him in their councils at home. Let them place him in the House of Lords, where he had distinguished himself by his eloquence, and where—under their moderation—he would doubtless prove a useful auxiliary; for to the great talents and eloquence of the noble Governor-general, no one would pay a more willing and sincere tribute than he would do. But why, because a man possessed ready and powerful eloquence, send him to a country where the great qualification required was discretion? If they wanted a substitute for the noble Lord, they might take the dullest dog now prosing in the Conservative circles. Any such individual might possess a much larger share of discretion than was enjoyed by the present Governor-general. The right hon. Baronet at the head of her Majesty's Government had, the other evening, told him (Mr. V. Smith) that he was a warm political opponent of the Government. A political opponent of the Government he certainly was, and as a man was not the best judge of his own calmness, he might possibly be a warm opponent; but he could not think that his judgment was completely warped as to the conduct and intentions of the right hon. Baronet; and he was as well convinced as any of the supporters of that right hon. Baronet could be, that he had mainly at heart the maintenance of the credit of the British name throughout the world. He would, then, ask the right hon. Baronet, in the words of the resolution he was now proposing to the House, whether he thought this a decorous proclamation as emanating from the Governor-general—whether he considered it a document fairly and properly representing the feelings of the British people in India or in England? He could not for a moment suppose that the right hon. Baronet entertained such an opinion; for the supposition would imply an impression that the right hon. Baronet was as ignorant of the feelings and sentiments of the British public as the Governor-general appeared to have been. But it was said, "Don't take a single isolated act of this great man; there is a halo of splendour about his actions which ought to obscure your vision in looking at so trifling a subject as this proclamation." That was a single act of indiscretion. He contended, however, that this was not a single or isolated act; for, as he had informed the House, rumours were abroad with respect to other acts of the noble Governor-general. It was possible for the most rising man of the day, one of the future tenants of power and future leaders of the Conservative party, to write an article in a magazine, betraying principles entertained by his party which they wished to keep secret, that might be called a simple act of indiscretion. Upon such a subject no man would bring forward a motion in that House. But these proclamations of Lord Ellenborough were deliberately penned and issued to show to the people of Hindostan the course he proposed to pursue, and the manner in which he intended to act towards them. The particular proclamation to which he had directed the attention of the House was certainly not the only one from which they might form an opinion of the Governor-general's conduct; but he had confined his resolution to this one proclamation, because he thought it that which might most properly be brought under the consideration of Parliament. It was a document which, although its consideration might be proposed by a warm political opponent of the Government, had been regarded with dissatisfaction, not only by their political opponents, but by their political supporters, as might have been seen by any hon. Member who was present in the earlier part of the evening, during the presentation of petitions. The representative of one of the most populous counties in England—a Gentleman who sat on the opposite side—had presented a petition condemning this proclamation; and that hon. Member would be able to inform the House of the feeling which prevailed among the petitioners as to this subject. He (Mr. V. Smith) might have dwelt upon the proclamation of the Governor-general dated from Simla, on the 1st of October; for he believed any individual acquainted with Indian affairs would concur with him in the opinion that that document was strongly objectionable. He considered it most improper and objectionable for one Governor-general to comment publicly upon the acts and proceedings of his predecessor. He considered it most absurd for any Governor-general to declare publicly that our Indian empire had reached the limits which nature had assigned to it. Why, what were the limits which nature had assigned to our Indian empire? In early days the Mahratta ditch was said to be its natural limit; and why was the Sutlej or the Indus to be more the boundary of our empire than the Himalayas! He would, however, take this particular proclamation, to which he had in the first instance called their attention—a proclamation which had excited such a condemnation in England, such agitation in India, such mockery in Europe; and he did contend that it was the duty of the House to mark its disapprobation of the document. It was the more incumbent on this House to take notice of the matter, because the East India Company had manifested tardiness in expressing an opinion on the subject; they had exhibited a shyness as to the conduct of the Governor-general which seemed to him to indicate great dissatisfaction with his proceedings. He believed the course had uniformly been, that when thanks were voted to a Governor-general by the Board of Directors, they were always voted by that body before a similar vote was adopted by the representatives of the British people. [An hon. *Member:* The right hon. Gentleman is mistaken.] He had been informed that this course had always been pursued; and the books to which he had referred on the subject confirmed the statement. This course was adopted in the cases of Lord Wellesley and Lord Auckland; in both those instances the thanks of the Court of Directors preceded those of the Parliament. But in the present case the thanks of the Court of Directors were not voted to the Governor-general until after the vote of thanks had been proposed and passed in this House. He wished to speak with all possible respect of the Court of Directors, but he must say, that if on this occasion they lent themselves to a party defence of the Governor-general of India—if they flinched from their position before the power of the Prime Minister of this country, he saw no reason for the continuance of that divided system of government which, instead of producing good effects, seemed only to render the Court of Directors subservient to the Ministry of this country. He had now to thank the House for the kindness with which they had listened to his observations, for he was well aware of the difficulty of arresting or engaging attention upon Indian affairs. If he had possessed the powers of ridicule with which the right hon. Baronet opposite was gifted, he might have been inclined to treat this subject with ridicule, and he wished he could have heard the right hon. Baronet speak from his side of the House on this question. He had, on a former occasion, stated his intention of bringing this subject before the House, and he had availed himself of the earliest opportunity of doing so. He might have waited for, perhaps, more fresh and exciting topics. He might have waited for the arrival of that mail which was now, in all probability, nearing our shores, and which might bring some other proclamation which would supplant that to which he had alluded in public attention and interest. He would like to know from the right hon. Baronet opposite—as a test of his opinion of the capabilities of Lord Ellenborough for his present position in India, whether he did not wait the arrival of the next mail with the utmost anxiety? And he would ask the Court of Directors if they did not await the same event in a state of nervous suspense? They were, perhaps, not so horrified at what had been done, as by what might be expected. "What next?" was the universal inquiry; "what next?" was the exclamation, not only at home, but in India; and he would much like to hear from the right hon. Baronet "what next" he expected. He hoped that no hon. Member would be led away by the eloquence of the right hon. Baronet, who might talk of the unfairness of this attack, and having exalted Lord Ellenborough to the rank of some great military hero, another Charles the Twelfth of Sweden, or Alexander the Great, might contend that their mighty minds were not to be measured by the paltry details from which lesser souls gained reputation, or sustained defeat. He presumed that hon. Members would not imagine it might be said of Lord Ellenborough, as it was on the medals of Alexander—"*Cum nullo hoste congressus est quem non vicerat, nullam gentem adiit quam non calcaverat.*" If any hon. Gentleman thus regarded the Governor-general, such an one he would not ask to vote in favour of his motion. If he could be satisfied that every hon. Member present had come down to the House determined to consider carefully and maturely this vital subject as affecting the empire of India—if he could think that hon. Members would bring their attention to bear as closely upon this question, as they would upon any matter affecting the adjoining country of Scotland, or the neighbouring one of Ireland, or the interests of any city, town, or borough they might represent—then he should entertain no doubt of the success of his motion. But, whatever might be the issue, he could not for a moment regret having brought the question under the consideration of the House; for he solemnly and firmly believed, that this motion was calculated to benefit the people of India, and, in so doing, to promote the permanent advantage of above 100,000,000 of our fellow-subjects. In that confidence he placed the question in the hands of the Speaker. It was—

"That this House, having regard to the high and important functions of the Governor-general of India, the mixed character of the native population, and the recent measures of the Court of Directors for discontinuing any seeming sanction to idolatry in India, is of opinion, that the conduct of Lord Ellenborough, in issuing the general orders of the 16th November, 1842, and in addressing the letter of the same date to all the chiefs, princes, and people of India, respecting the restoration of the gates of a temple to Somnauth, is unwise, indecorous, and reprehensible."

Mr. *E. Tennent* said, that without venturing to address himself to the calumnies which had been brought to bear upon the character of the Governor-general of India, and without attempting to avert the threatened displeasure of the right hon. Gentleman who had just sat down, he would endeavour to address the few observations he felt it his duty to make on this occasion to the specific points presented by the Speech of the right hon. Gentleman. So far as he could collect from the Speech and the motion of the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith), the charges which had been brought against the Governor-general of India, in reference to this proclamation, and the restoration of these trophies to India, were these. It has been imputed to him that he had invested with undue importance the restoration to India of the gates of Somnauth, the very existence of which was unknown to the great mass of the population; that he had, in bringing them back within the Indus, ministered rather to the religious prejudices than to the national sympathies of the people; that he had announced his intentions and objects in a proclamation, the style and diction of which were inconsistent with the sobriety of the English character, and unbecoming the dignity of his own exalted position; and the allusions in which were calculated to wound the feelings of the Mussulman population of India, and provoke rivalries and jealousy between them and the other inhabitants of Hindostan. As to the first of these assertions, that the very existence of these gates, and their removal to Ghuznee, 800 years ago, was utterly unknown to the people of India; he (Mr. Emerson Tennent) took leave to question its accuracy. It is true that other spoils of Somnauth have been authenticated and identified; and it is also true that no specific mention has been made of those gates by any native historian; nor is their deportation recorded by the poets or annalists of the Mahometan conqueror of India; but it is likewise true that, notwithstanding this, their recollection has been preserved in a record much more widely diffused than a page in an historian or a couplet in a poet, namely, in the oral traditions and popular legends of the country; and the importance which attached to them in the sympathies of the nation is abundantly attested by their having been made a subject of grave negotiation between Runjeet Singh and Shah Soojah, and their restoration importuned in the same document in which the ambitious chief of the Sikhs treats for the exchange of provinces, the surrender of cities, and the maintenance of armies. The bare mention of these gates in a state Paper of so much importance, at once bespeaks them to have been an object of high interest to the people of India. And a still more striking proof of their importance in popular estimation is the fact, that of all the important demands made by Runjeet Singh the only one which was resisted and refused by Shah Soojah, was his request for the restoration of these very gates. These two incidents, taken in conjunction, the demand and the refusal, at once dispose of the gratuitous assertion that the very existence of these gates was unknown or indifferent to the people of India; and if any doubt remained upon that point, Sir Alexander Burnes had effectually removed it by the weight of his authority. In his first work upon Affghanistan, in speaking of Ghuznee, he says

> "It is worthy of remark, that the ruler of the Punjaub, in a negotiation which he lately carried on with the ex-King of Cabul, Soojah-ool-Moolk stipulated, as one of the conditions of his restoration to the throne of his ancestors, that he should deliver up the sandal-wood gates at the shrine of the Emperor Mahmood, being the same which were brought from Somnauth, in India, when that destroyer smote the Idol, and the precious stones fell from his body. Upwards of eight hundred years have elapsed since the spoliation, but the Hindoo still remembers it, though these doors have so long adorned the tomb of the Sultan Mahmoud."

He (Mr. Emerson Tennent) might here mention that in the letter of Runjeet Singh, to which he had before alluded, as printed by the House of Commons, there occurs an obvious mistake, whether of the transcriber or translator, to which may be traced much of the excited feeling and misrepresentation which prevails out of doors upon this subject. Runjeet Singh is there made to require of Shah Soojah that—

> "The portals of Sandal, which have been carried away to Ghuznee from Juggernaut, should be delivered up to the Moharajah."

The very name of Juggernaut is associated in this country with something odious and repulsive; but its insertion here is a manifest error. The temple of Somnauth had no connection whatsoever with the worship of Juggernaut. Juggernaut is another name for Krishna, to whom the celebrated temple is dedicated in Cattack, whilst that of Somnauth was sacred to Siva. The error had obviously arisen from substituting, in the transcription, the name of Juggernaut for Junaghur, which is the district in which Somnauth is situated, and has occasionally given its name to the temple. This error is in itself immaterial, and trivial as affects the question at issue; but its correction disposes of one popular means of attacking the Governor-general by saying that he had stepped out of his way to pay a gratuitous compliment to the shrine of Juggernaut. It does more. It shows that Runjeet Singh, in designating these gates, not by the name of an idol or a temple, but by that of a province of Hindostan, was eager to procure their restoration, not as a religious, but as a purely national trophy. In fact, if one argument more convincing than another could be adduced to divest the restoration of these gates of the remotest relation to a superstitious or devotional object, it would be the simple fact of their being demanded so earnestly by Runjeet Singh, by the chief of the Sikhs, a people who, though Hindoos by descent, profess a national religion much more closely allied to Mahometanism than to Hindooism, and equally detested by both—a people who, within the last three centuries, have invented a religion for themselves, not merely ridiculing and rejecting the polytheism and idolatry of the Hindoos, but abolishing that which is the stay and the perpetuation of Brahminism, the distinctions of castes. Sir John Malcolm, in his able narrative of this remarkable race, who, from an unimportant sect of Dissenters, have gradually grown into a powerful nation, thus forcibly pronounces their entire want of sympathy and absence of all identity with the superstitions of the Hindoos:—

> "It is impossible," he says, "to reconcile the religion and usages of the Sikhs with the belief of the Hindoos; it proceeds at once to subvert the foundation of the whole system; wherever it prevails the institutions of Bramah must fall. The admission of proselytes—the abolitions of the distinctions of caste—the eating of all kinds of flesh, except cows—the forms of religious worship—and the indiscriminate devotion of Sikhs to arms—are ordinances altogether irreconcileable with the Hindoo mythology, and have rendered the religion of the Sikhs as obnoxious to the Brahmins and higher tribes of the Hindoos as it is popular with the lower orders of that numerous class of mankind."—*Sir J. Malcolm's Sikhs*, p. 151.

Now could anything be more obvious than the fact, that the head of a religion such as this must have sought for the restoration of the gates of Somnauth, exclusively as a national trophy, and entirely irrespective of that superstitious feeling with which it is now sought to connect them, and of which his own nation were the most prominent and remarkable opponents—a nation which had waged successful war against the very worship of Siva and Somnauth itself? In fact, as a religious relic, the gates of Somnauth are utterly valueless and insignificant; but their memory is still preserved by the Hindoos as a painful memorial of the most devastating invasion that ever desolated Hindostan. The twelfth expedition of Mahmoud, the Ghuznevide, into India, which occupied from two to three years of incessant plunder and warfare, has for eight centuries been referred to as the most fearful event in her annals. It was celebrated in the poem of Ferdousi, the Homer of the East, who himself lived at the court of the conqueror; it was sung in the verses of Sadi, the most popular poet of Persia; it was narrated, in all its details, by Ferishta, the historian of the Mussulman princes of India. It was absurd, therefore, to talk of these trophies being unknown and uninteresting to the people of India; and it was the knowledge of the contrary, confirmed by the recent application of Runjeet Singh, that suggested to Lord Ellenborough to avail himself of the opportunity presented to him of performing an act which would be at once soothing to the national vanity, and grateful to the national sympathies of the Hindoo population, by returning to them this memorial of an ancient, and now, for the first time, avenged aggression on their country. But Lord Ellenborough did more—he made their removal subservient to another and an equally important purpose—it enabled him to leave behind, in Affghanistan, a record of the victorious presence of an English army, without, at the same time, leaving a stain on the reputation of British humanity—by depriving the Affghans of that which for eight centuries had been their proudest trophy of their national ascendency; and nothing can be more explicit, both as to this specific intention, and likewise as to the absence of the remotest religious allusion, than the terms in which Lord Ellenborough directed the restoration of these gates to India in the orders to General Nott, of July 4, in which he directs his advance from Candahar to Ghuznee.

> "If," he says, "you should be enabled by a *coup-de-main* to get possession of Ghuznee and Cabul, you will act as you see fit, and leave behind decisive proofs of the power of the British arms without impeaching its humanity. You will bring away from the tomb of Mahmoud of Ghuznee his club which hangs over it."

Surely the club of Mahmoud, the Ghuznevide, was not possibly selected as any object of religious veneration by the Hindoos; but Lord Ellenborough continues,—

> "And you will bring away the gates of his tomb, which were the gates of the temple of Somnauth."

But were even these to be taken as religious trophies? Far from it.

> "These," said Lord Ellenborough, "these will be the just trophies of your successful marches."

And the certainty that it was as trophies of war, and of war alone, that Lord Ellenborough regarded them, is confirmed not by this despatch alone, but by the terms of the order to the army of the 16th November, which the right hon. Gentleman asked the House to censure, directing their transmission to Guzerat by military escort, composed of Sepoys with their native Subadars and Jemadars, commanded by an European officer, who was to be selected from his having been actually present at the assault on Ghuznee, a military parade which would have been actually illegal under the existing regulations in India, had the occasion of its exhibition been one in any degree connected with the religious observances of the people. But a very brief time has elapsed since the issuing of these orders, to which the right hon. Gentleman has alluded, for discontinuing in every instance the attendance of the military in India at the religious ceremonies of the natives. These orders were rederated and confirmed by Lord Ellenborough himself, whilst lately at the head of the Board of Control; and had the march, therefore, directed by Lord Ellenborough, been in the remotest degree to be regarded as a religious procession—had it not been in the strictest sense a military movement, the regulations of the Indian army would have precluded the possibility of its being attended by the military demonstrations directed by him in his order of the 16th November. The right hon. Gentleman has, upon conjectural premises, arrived at a definite conclusion in its own mind; but the converse of his own proposition would lead legitimately to a totally different result. On the assumption that it was a matter connected with the religious superstitions of the people of India, he concludes that the order directing the attendance of the military was an infringement of the regulations of the Government of India, with reference to the Indian army. But it was equally open to him to infer from the ascertained presence of the sepoys and their officers, an attendance which would have been irregular had any religious ceremony been in contemplation, that none such was intended, and that none such actually took place. And the very wording of the proclamation itself, which had called forth such storms of declamation, attested the anxiety with which Lord Ellenborough had studied to make it clear and intelligible that the whole pageant was not an offering to an idolatrous temple, but a triumph over a vanquished enemy. If we were to believe those who impugned the motives of that proclamation they would persuade the House that the restoration of these gates was a tribute to the national religion of the Hindoos, but the proclamation itself expressly declared that they were restored as "the proudest record of their national glory and a proof of their superiority in arms over the nations of the Indus;" it announces their approach as a "glorious trophy" of a religious struggle? No, but "of successful war," and Lord Ellenborough claimed the confidence of the Princes of India towards the British Government for having exerted the power of its arms "to restore to India the gates of the Temple of Somnauth, so long the memorial of their subjection to the Affghans." The right hon. Gentleman the Member for Northampton had contended that, as these gates were unvalued and unimportant to the people of India, their restoration was "unwise," and on the presumption that their restoration was a religious proceeding, and consequently the order for the attendance of the soldiers a breach of the regulations of the Indian army, he had called upon the House to pronounoe it "reprehensible." But as he had shown that it was a matter of high national interest to the people of India, the first accusation at once fell to the ground, and as every allusion to religious considerations was studiously avoided by Lord Ellenborough, and disproved by the very words of his orders and proclamations, the second charge of course became equally untenable. But the gravamen of the charge against Lord Ellenborough seemed to attach less to the matter than to the style of the proclamation, in which it was contended he had compromised the decorum and purity of the English character, and the dignity of a Governor-general of India. Without criticising particular phrases. or defending particular passages, he did not hesitate to declare that the entire style and phraseology of that proclamation was not conformable to his ideas of taste and propriety in such documents. But when he made that avowal, and when hon. Members on the other side made similar declarations, the justification of Lord Ellenborough might be made in the simple reply, that it was not to please their preferences, or his (Mr. E. Tennent's tastes, nor in conformity to any European standard, that that proclamation had been issued. That proclamation was not issued in English, nor addressed to the British population of India, but was promulgated in Hindoo, and couched in such terms and phraseology as was conformable to the Oriental tastes and the usage of the native population of India, on whose minds alone it was designed to make a favourable impression. In judging, therefore, of that proclamation it was absurd to think of testing it by the standard of English taste or of European composition; it should be compared solely with those similar documents in use among those to whom it was addressed, documents which were conformable to Oriental manners; and which accurately follow Oriental models, and, compared with the extravagance of these, the proclamation of Lord Ellenborough will be found to present scarcely a passage to censure. The House would perhaps permit him (Mr. E. Tennent) to quote one or two illustrations of this prevailing Oriental style of state documents, and he would select them from no distant period or antiquated dates. In 1836 Dost Mahomed, in writing from Cabul to congratulate Lord Auckland on his arrival in India, thus speaks, in a letter on ordinary public business, in apostrophising his Lordship's advent:—

"AMEER DOST MAHOMED KHAN TO LORD AUCKLAND.

"*Cabul, May* 31, 1836.

(After compliments)—"As I have been long attached to the British Government by the ties of friendship and affection, the late intelligence of your Lordship's arrival, enlightening with your presence the seat of government, and diffusing over Hindostan the brightness of your countenance, has afforded me extreme gratification. And the field of my hopes (which had before been chilled by the cold blast of the times) has by the happy tidings of your Lordship's arrival become the envy of the garden of Paradise. I hope your Lordship will regard me and my country as your own. Whatever directions your Lordship may be pleased to issue for the government of this country, I will act accordingly."

He would offer them but one other specimen, written by one of these very princes of India to whom Lord Ellenborough's proclamation was addressed, and of course in the very style and diction in which such a potentate would expect to be addressed in return. Runjeet Singh, in 1831, in returning thanks to the British Minister for the present of horses forwarded to him, under the charge of Sir Alexander Burnes, expresses his gratitude in the following style—a style very dissonant to our ideas of beauty and taste, but, no doubt, perfectly familiar and conformable to his own:—

"At a happy moment, when the balmy zephyrs of spring were blowing from the garden of friendship, and wafting to my senses the grateful perfume of its flowers, your Excellency's epistle, every letter of which is a new blown rose on the branch of regard, and every word a blooming fruit on the tree of esteem, was delivered to me by Mr. Burnes and Mr. John Leckie, who were appointed to convey to me some horses of superior quality, of singular beauty, of Alpine form, and elephantine stature, admirable even in their own country, which has been sent as a present to me by his Majesty the King of Great Britain, together with a large and elegant carriage. These presents, owing to the care of the above gentlemen, have arrived by way of the river Scinde, in perfect safety, and have been delivered to me, together with your Excellency's letter, which breathes the spirit of friendship, by that nightingale of the garden of eloquence, that bird of the winged words of sweet discourse, Mr. Burnes, and the receipt of them has caused a thousand emotions of pleasure and delight to arise in my breast. By the favour of Sri Akal Poorukh Jeeg, there are in my stables valuable and high-bred horses from the different districts of Hindoostan from Turkistan, and Persia; but none of them will bear comparison with those presented to me by the king through your excellency; for these animals, in beauty, stature, and disposition, surpass the horses of every city and every country in the world. On beholding their shoes, the new moon turned pale with envy, and nearly disappeared from the sky. Such horses the eye of the sun has never before beheld in his course through the universe. Unable to bestow upon them in writing the praises that they merit, I am compelled to throw the reins on the neck of the steed of description and relinquish the pursuit."

Now he would put it to the sense of Gentlemen of the House and the country whether it be fair to Lord Ellenborough, when discussing his papers in communication with a people accustomed to such a style as this, to judge of them by the cold rules of English propriety, and to contrast them with the rigid models of English style. But although he (Mr. E. Tennent) could not, as he had stated, profess to admire the style and composition of Lord Ellenborough's proclamation, still, he was equally far from concurring in the censure cast upon it. He could not but think that it was one of those events in which Lord Ellenborough was called upon to express himself in terms somewhat more elevated than would be called for on ordinary occasions. He could not imagine even a Governor-general dilating on a subject which has been for 800 years the theme of the poets of Persia, and the historians of Delhi, and delivering himself in the same cold and cautious phraseology in which he would make an indent for stationery, or announce an official appointment in the Gazette. It would scarcely be contended that it would have been befitting such an occasion to send the ancient gates of Somnauth to the Guicowar of Guzerat "with the compliments of the Governor-general;" nor would even the proverbial sobriety and gravity of the English deportment have constrained him to forward them down the Indus with a bill of lading, "shipped in good condition, and to be delivered to the custom-house officers of Pattaw Somnauth." A proclamation was to be issued, not in English, or for the European population of India, but in Persian and Hindostanee, and although he (Mr. E. Tennent) did not pretend to such a critical knowledge of Oriental literature, as to pronounce upon the suitability and propriety of every letter and line of its composition, he had seen enough of Oriental manners and habits, to be well aware that they managed these matters differently from the people of England, and that the success of every demonstration, such as that contemplated by the Governor-general, was entirely dependent on its conformity to, or departure from, the established usages and modes of expresssion of those whom it was designed to gratify or compliment. As to the act itself of bringing back these ancient trophies from Ghuznee to Guzerat, he (Mr. E. Tennent) had heard no other condemnation of it than that which sprung out of the apprehensions of those who looked on them as the gates of a temple, but who would have found no fault had they belonged to a secular building. But he had never heard Lord Liverpool condemned as an abettor of Catholicism because, on the dispersion of the Louvre, he had sanctioned the restoration of the Madonnas and Virgins to the cathedrals and churches of Italy—and he firmly believed that the act of Lord Ellenborough was equally unconnected with a single feeling of partiality or of difference for the superstitions of the Hindoos. And in restoring those gates, after a captivity of eight centuries, not to the devotees of a temple, but to the universal people of India, he considered that he would have neutralised the impression likely to be created by so extraordinary an event had he notified its occurrence to an Oriental people in terms less impressive than were called for by so remarkable an occasion. But then, the last and most important of all the objections adduced against Lord Ellenborough's restoration of these trophies to the Hindoos is that which springs from an apprehension that this act may be regarded as an insult or a slight to the Mussulman inhabitants of India, who will resent it as an indignity thus offered to the memory of Mahmoud, the Guznevite, and a triumph over their co-religionists, the Affghans. Was there any validity in this objection? Was there anything in Lord Ellenborough's act, or in his proclamation, calculated to excite religious jealousy, or disturb the religious repose of India, he (Mr. E. Tennent) would be the first to claim for it the gravest consideration of the Government and the House. But he thought those who urged this objection, and who argued upon the grounds of an assumed veneration for Mahmoud, of Ghuznee, or any supposed sympathy with the Affghans, on the part of the Mussulmans of India, spoke with a very imperfect recollection of the events of Affghan history—and from a fanciful rather than an experimental apprehension of excitement on the part of the Mahometans. Not only was Mahmood himself, in his Indian expeditions perfectly impartial in his attacks upon Hindoos and Mahometans—having laid waste, amongst others, the territories of the Mussulman ruler of Moultan, but his suceessors in the dynasty of Affghanistan have been, for a succession of ages, the scourge and the terror of the Mussulman sovereigns and Mussulman people of India. Every invasion that ever swept over Hindostan has been poured forth from the mountains and gorges of the Affghans—between the eleventh and the seventeenth centuries not fewer than thirty desolating wars which have burst upon India, destroying indifferently Hindoo and Mussulman, have all issued from the passes of the Khyber, the Bolan; and even so late as the middle of the last century, the grandfather of Shah Soojah himself, emulous of the fame of his predecessors, planned and executed a descent upon Delhi, directed against the Mussulman Emperor, whose capital he sacked, and whose subjects he carried off in captivity to Candahar. If, after eight centuries of ravages and wrongs, the Mussulmans of India evince such a sympathy for the punishment inflicted on the Affghans, as to create an alarm lest they should exhibit some dissatisfaction at the spoliation of Ghuznee, or that their revolt might be anticipated in revenge for the restoration of the gates of Somnauth, surely it must have occurred to those who now feel those lively anxieties and apprehensions to inquire what must have been the indignant feelings of these same Mussulmans of India, when during the course of 1839 and 1840 they saw the British army carrying fire and devastation into Affghanistan, and bearing back, not the gates of a Hindoo temple from Ghuznee, but a despoiled and deposed Mussulman sovereign from Cabul. The Mussulmans of India during all these events, so much more calculated than any act of Lord Ellenborough, to arouse their dormant sympathies for the Affghans, if any such existed, had exhibited, at the utmost, an indifference to their progress, and from all that he could learn, if their feelings were roused, on the present occasion at all, it would be in a manifestation of their sympathy with their Hindoo fellow-countrymen over the humiliation of their common oppressors. But the object and the animus of this motion cannot be mistaken by the House, and would not be misunderstood by the country. The disastrous policy of the late Governor-general of India required some palliation, and it had been sought for in vain attempts to impugn the policy of his successor. Before the close of the last Session of Parliament, and for months before the present Session had commenced, the country rang with denunciations of the disgraceful and dishonouring proceeding of Lord Ellenborough. Even the noble Lord opposite, the Member for Tiverton (Lord Palmerston) protested in his place, whilst speaking under the delusion that those were the acts of Lord Ellenborough which now turn out to have been the acts of Lord Auckland, that—

> "He could not conceive a fouler dishonour, an act that would dye the cheek of every Englishman with a deeper blush, or strike a more fatal blow at our empire in India,"

than the acts which he groundlessly ascribed to the present Governor-general of India. Echoing his denunciations, the whole Liberal press of England strove to cover the retreat of Lord Auckland by reiterating the most violent and foundationless accusations against Lord Ellenborough. It was imputed to him that, in issuing the order of the 19th of April for the evacuation of Affghanistan, he exhibited inhuman neglect as to the fate of the prisoners at Cabul, a wanton abandonment of the troops in garrison in Affghanistan, and a culpable indifference to British honour, and the maintenance of the renown and reputation of the British army. And in support of these baseless assumptions, it has been insidiously asserted that the resolution to withdraw within the Indus was taken upon his individual responsibility, without the concert of those military chiefs, on whose counsel he was bound to rely, and that he has been constrained by their indignant remonstrances to revoke his rash determination, and direct an onward movement to Cabul. One by one these gratuitous and false accusations found ample refutation, and the final publication of the despatches abundantly attested that, so far from exhibiting indifference to the fate of the prisoners, the order for retiring was accompanied by the most effectual instructions for their enlargement. So far from an abandonment of the garrisons in Affghanistan, that order was not issued till Ghuznee had fallen, and was not to be executed until Jellalabad should have been relieved—and so far from exhibiting an indifference to the jeopardised honour of the British army, Lord Ellenborough expressly states, in his instructions to the Commander-in-chief, his anxious hopes that the withdrawal of the troops from Jellalabad will be effected "only after the infliction of a severe blow on the army of Affghanistan." And so far from his resolution having been taken without the cooperation of his military advisers, it is not only conclusive as to his prudence and discretion, to find abundant proofs that his order was founded on their information and advices, but it is infinitely honourable to his sagacity and foresight that it was likewise issued in anticipation of their wishes and conclusions. Thus foiled (said the hon. Member in conclusion, addressing the Opposition) in every attempt to assail the material policy of the Governor-general, but not to be baffled in the search for some one point of detail, however unimportant—some trivial oversight to which censure might be attempted with success, you now fasten (pursued the hon. Gentleman) upon the somewhat unusual style of a proclamation—you profess to discover that its promulgation is unwise, that its diction is indecorous, and its allusions reprehensible, and forthwith you pounce down upon this one happily discovered point, in order to assail in his absence the well-earned reputation of the Governor-general of India. You would deny all merit to the Governor-general in the magnitude of his achievements, because you discover, or fancy you discover, something distasteful in the details. You find it convenient to forget his months of anxiety at the seat of Government—sustaining and inspiriting the counsels of those whose duty it was to have been his supporters, but whom he found prostrate and paralyzed by the intelligence of your disasters—you forget his months of vigilance and toil in the vicinity of the seat of war, consulting for the rescue of your invested garrisons, and providing for the safety of your panic-struck and half-equipped forces. You forget his prodigious exertions in collecting from the distant regions of India the remnants of the almost annihilated race of camels to furnish the means either of advance or retreat for your army. You forget the consummate judgment and ability with which he planned the last movement upon Affghanistan, in which, during the brief space of a single month his generals re-enacted all the events of your protracted campaigns, including a conquest of Ghuznee and a second capture of Cabul. You forget how, having accomplished all this, he has brought back your armies in safety to the Sutlej, crowned with honours, and laden with trophies, to receive the congratulations of their delighted fellow-countrymen within the frontiers of your own dominions. All this you find it convenient to forget; but you would withhold from him the honours, and deny him the honours and the enjoyment of his laboriously acquired reputation, because you have alighted by chance upon one of his numerous state papers, the style and the imagery of which are not commensurate with the standard of your taste, which it was never designed to please. But the House is neither so oblivious of his actions nor so ungratefully insensible to his deserts, as to tarnish the honours which it has so recently accorded to him, concurring in your vote of insulated censure; and this country will not fail to confirm by its approval the vote of this night, by which the House will reject the motion of the right hon. Member.

Mr. *Macaulay*: If, Sir, the practice of the hon. Member had agreed with his precepts—if he had confined his observations in this House to the particular subject under discussion—I should have strictly followed his example, conceiving that there is abundance, indeed, to be said both as to the matter and the manner of this proclamation; nor, Sir, will I suffer myself, by the peroration he has made, to be led away to any great distance, or for any long time, from the important question which is now before us. Yet I cannot regret that the hon. Gentleman, who has this night exhibited, as he has done on former occasions, proofs of no small stock of ability and acuteness, should have complained that this charge was brought against his right hon. Friend, the Governor-general in his absence. Is this House, Sir, interdicted from considering the conduct of a Governor-general who is absent? Why, Sir, how are we to attempt to criticise his conduct, if we may not do it in his absence. For my own part, I may say for myself, and I may truly say for my right hon. Friend near me, that we both would have wished with our whole souls that we could have discussed this question in the presence of the Governor-general. And permit me to say, that if there be any public man—if there be any Governor-general, who has no right to complain of any remarks in his absence, it is that Governor-general, the first Governor-general who has borne that high station, who has employed his power to place a stigma upon the character, and to bring a charge against his predecessor in his absence; that Governor-general who has been the first to forget all official decency—who was the first to forget that rule of unity in the state which should have prevented him from placing a stigma upon the conduct of that Governor-general, of whom I will say this—and this only, that whatever may have been his faults in other respects, he was faultless with respect to Lord Ellenborough. I am sure, Sir, that no hon. Gentleman will rise on the other side of the House and will deny my assertion that no Governor-general ever exerted himself more strenuously or more effectually to leave to the Governor-general who should come after him all the facilities in his power, or to contribute more earnestly to his success. If his successor had been his own brother, it was impossible that my Lord Auckland could have laboured more to give him every advantage. And what was his requital? A proclamation from that successor, published in his absence, stigmatizing the whole of his predecessor's conduct. But since our attention has been called by the hon. Gentleman from the proclamation now under discussion—since it has been said that it was a mere calumny to say that the orders for the withdrawal of the troops was given before the fate of the prisoners was known, or to assert that the Governor-general was indifferent to the fate of the prisoners—permit me to ask the hon. Gentleman, or the hon. Director who sits behind him, to explain one point which it appears to me most important to resolve. I promise them I will be very concise in the question I will put. When my Lord Ellenborough put his hand to the proclamation of the 1st October, 1842, did he, or did he not know that the prisoners were then in safety? That on the 1st of October the Governor-general did not know that the prisoners were safe I am certain. What defence, then, is offered for this proclamation? Even this, that the proclamation itself bears a false date—that it was not framed on the 1st of October. That the date of the 1st of October was inserted I believe, and I shall be glad to hear it contradicted, though I doubt whether any hon. Gentleman will venture, on his own knowledge, to contradict the statement. I believe that my Lord Ellenborough placed to that proclamation the false date of the 1st of October, because my Lord Auckland's manifesto against Affghanistan was dated on the 1st of October, 1838. The false day was put for the sake of so paltry and so contemptible a triumph. That act, I say, indicates an intemperate mind, unfit for so high a trust; for the sake of a paltry triumph over his predecessor, a date is put to the proclamation which makes it appear that he and the English Government were perfectly indifferent to the fate of the prisoners. For the effect of such a proclamation among the natives of India must be—the general impression of Lord Ellenborough, with respect to that order, must be—that he, and the Government which appointed him, were utterly regardless of the fate of the prisoners—and, Sir, I believe that my Lord Ellenborough rendered himself liable to this imputation by inserting a date which might appear as an attack upon my Lord Auckland. That, Sir, is not the only subject on which I might touch, if I chose to follow the hon. Gentleman into a debate on larger matters, and unconnected with the subject more immediately before us. I might call to the attention of the House the conduct of the Governor-general towards the Civil Service in India, the spirit of which I fear may be broken by his treatment. I might talk to the House of the financial commission issued by the noble Lord to find out the blunders of his predecessor, and which ended only in finding out blunders of his own. But, Sir, I conceive that the present subject, both on the serious and ludicrous side of the question, ought to occupy all our attention. And first as to the serious side. I abjure at once all intention, and every wish, to raise any fanatical outcry, or lend my aid to any fanatical progress. I solemnly declare that I would at any time rather be the victim than the tool of fanaticism; and that if the conduct of Lord Ellenborough were called in question for using strict toleration towards all religions, or for any reprobation of the misguided zeal of Christian missionaries, I would, notwithstanding any political difference between us, be the first to stand forward in his defence. This, however, is not the case. It is all very well for the hon. Gentleman to say that we look at small and trivial errors. This I deny. This is no light thing. We are the governors of a larger heathen population than (with one exception) I believe the world ever knew collected under one sceptre since the first Christian epoch. It is, Sir, no light matter to say what the policy of a Christian Government should be in such circumstances. It is a serious and a grave question in morals and in government. However weak we might have been when we first went to India, we now find subject to our sway there 100,000,000 of souls not professing the Christian faith, a large portion of whom are Mussulmans—they are a minority, but a minority reckoned by tens of millions; they are a more united, but they are also a more fanatical body than the majority; they are accustomed to unite, they are used to war, they show a higher spirit than the majority, but in general they are more untractable and more fierce. Mingled with them are many, many millions of idolators. Many are inordinately influenced by the forms of their superstition, of which it s impossible for any person who values even their temporal interest to speak without the deepest and most serious consideration. I believe, Sir, that in no part of the world is there a superstition more unfavourable to the advancement of knowledge and of civilization. There are many fables, the very believing of which produces the utmost degradation of the mind, bound up with these false notions; many errors and prejudices in reference to physical subjects are connected with their distinct and odious belief, raising great and almost insuperable obstacles to the advance of science. There are symbolical badges teaching them a kind of worship which I will not mention; their very forms of worship are connected with the worst forms of prostitution. There is a great and deplorable degradation of the female races. And, Sir, when we have said all this, we have not said the worst. The most fatal crimes against religion and against property are closely allied to the religion they uphold: they offer up human sacrifices to their deities; they have still their inhuman Suttee, by which the widow is sacrificed by her own children. Even the atrocious practice of the Thugs is carried on notoriously under the apparent direction of their divinities. During my stay in India I read the examination of two Thugs, where one reprimanded his brother for letting off with his life a traveller who had fallen into their power saying;—

> "How can you expect our goddess to protect us, if you thus spare the life of the traveller you have taken?"

Where, Sir, we find a religion of this sort, it is an extremely difficult problem to be solved in what way a Christian Government should deal with a people holding such a religion or such a faith. We might have attempted the policy which was of old adopted by Spain: we might have attempted to convert this heathen people to our own faith. We might have attempted a large scheme of proselytism; but, in my opinion, the English Government have acted more wisely: they have not adopted any system of proselytism; at the same time we have not imposed any civil disabilities on any native of India, let him hold whatever faith he may; and the very last act concerning the charter of the East India Company declares that no native, let his religious opinion be what it may, shall be incapable of holding any situation under Government. Although we have not done anything to put down their religion, and, although in this we have acted most wisely, yet, Sir, I am not sure that for some time a most dangerous and pernicious leaning has not been exhibited the other way—I believe that we have done much to make the idolatrous practices a matter of national reverence. We long looked with jealousy on the labours of the Christian missionaries who went to India, we long looked too severely on the conduct of those whose labours were of no slight value; we tolerated too long the human sacrifice, we allowed too long the degrading practice of the Suttee, which might have been put down long ago were it not for our toleration. I believe that we made no attempt to protect the persons or property of our fellow-creatures and our subjects against the demands of superstition. As far, too, as related to a great part of their idolatrous processions, and to the decoration of their temples, we lent our aid; we sent, under our escort, the native chiefs on their way to worship at those temples; and we thus marked our support of an idolatrous worship. We might have had an object in all this. I think it undignified, even if it were not, under all considerations, most inexpedient in a temporal point of view, and as a temporal matter alone will I be tempted to discuss it. The inevitable effect on the people of India was to make them believe that we attached no importance to the vast distinction between that religion, every work of which has always been beyond all other religions, to advance knowledge and learning, to widen the field of domestic happiness, to promote and secure public and personal liberty, which in the old world has struck off the chains of slavery, which has everywhere raised the condition of woman, and assuaged the horrors of war; and that other religion, which we cannot sanction or support without committing an act of treason against civilisation and against humanity. Gradually, however, a system has been introduced which every one who is aware of the state of India will admit to be of considerable importance, and without meaning to say it amounts to absolute perfection, I am not aware that at the present moment the rules laid down by the Home Government for the conduct of our Indian authorities admit of any considerable improvement. I think it was my Lord Wellesley who led the way and abolished the immolation of female children, and great as is the title of that eminent statesman to the gratitude of his country, this was one of the proudest of the claims which his friends and those who regret his loss will rejoice to acknowledge. In the year 1813 the restriction on the admission of missionaries was abolished: a clause was inserted in the charter which defeated that restriction. At a later period, Sir, Lord W. Bentinck abolished the Suttee. An order was also sent out by the Government at home on the subject of the pilgrim-tax. Lord Glenelg—I was in office at the time, and I know the fact — Lord Glenelg, with his own hand, wrote that most important and valuable despatch of February, 1833, to which such frequent reference has been made. In that despatch—and I recollect it so well, that I can almost state with precision the paragraph, and quote its substance, almost its exact words—in the 62nd paragraph of that despatch will be found a complete system—I might call it of legislation—but a code of conduct for the Indian authorities. It directed, that all matters whatever, relating to temples and to idols, are to be left entirely to the natives themselves to act. This order was to be acted upon by the Indian authorities, who were to use their best discretion in introducing it. Its operation was left, as it necessarily must be, to the Indian authorities. Again, there was in the year 1838 another despatch, which recognised the 62nd paragraph of the despatch of 1833, which pointed out its importance, and the intention of the directors to carry it out. Again, in the year 1841 orders upon this subject were sent out, which were so framed that I am almost led to believe that my Lord Ellenborough had read them carefully through for the express purpose of disobeying them as far as he could. Orders positive and distinct were given to the Indian authorities by this despatch to have nothing to do with the national temples of the idols; positive and distinct orders to make no presents to these temples; positive and distinct orders to give no decorations to those temples, positive and distinct orders to employ no troops to do honour to the worship of these idols. This despatch was sent out by the Court of Directors in the year 1841, and I think while that despatch is acted upon, our own religion is held sacred, whilst all possible toleration is given to the professors of different religions. To attempt to convert that toleration into a direct approval appears to me to be a crime, and directly opposed to the reasonings and the intentions of individuals of the best information with respect to India, and far better qualified than the Governor-general to form a correct opinion. It was the intention of the Government rigidly to preserve wise neutrality. I come, then, to the charge against Lord Ellenborough: it is, that he has departed from that neutrality; it is, that he has disobeyed the orders of those from whom his power is derived, and to whom his obedience is due. That is the first part of the charge, but it is not the greatest or the heaviest. Is it denied that my Lord Ellenborough assisted in the decorations of these idolatrous temples? Is it denied that he interfered with their concerns? Is it denied that he made them gifts? Why, the only argument of the hon. Gentleman opposite is, that as my Lord Ellenborough sent the troops to escort the gates, he had not interfered in any religious way, because the directors had ordered him not to give any encouragement to idolatry. That was a strange mode of proving, that Lord Ellenborough had not disobeyed the orders of the directors. Undoubtedly, if the first principle of our reasoning is to be, that my Lord Ellenborough is a perfect man—if the first principle is to be, that he cannot possibly do any wrong—why then I fully admit the force of the hon Gentleman's argument. But, Sir, can it be seriously denied, that Lord Ellenborough did send the troops to carry these gates from a Mahometan mosque to a Hindoo temple, and place them on the restored temple of Somnauth? [*Cheers.*] Aye, the restored temple! [*Renewed cheers.*] Let us understand that word, restored. We all know that the temple is in ruins. How is it possible to doubt that my Lord Ellenborough, before he determined to issue that important proclamation, did not know that the temple was in ruins, or that he did not ask of those about him, and who knew the state of that temple? If the hon. Gentleman will seriously stand up and say he believes that my Lord

Ellenborough wrote that despatch without asking a question of those around him—if such were really his conduct, the hon. Gentleman by stating it, would pronounce upon it the severest condemnation. It is clear, Sir, that his Lordship, if he did not know the fact, did inquire into the state of the temple, and that he was told that it was in ruins. And what did his Lordship say? He calls it the restored temple. It is impossible to doubt that he intended its restoration before he should set up the gates in it. I defy the hon. Gentleman—I defy all human ingenuity—to get off one of the two horns of the dilemma. Either way it will settle this question. Either his Lordship did publish his proclamation without making inquiry or knowing of himself that the temple was in ruins; or, having been told that it was, he determined that it should be restored. Turn and twist it which way you will, you can make nothing else of it. It is like the stain on the key, in the story of "Blue-beard;" if you can clean it on one side, the spot springs up on the other. Here, then, is direct disobedience to the orders of the Court of Directors, and that is the first charge which I bring against my Lord Ellenborough. It is not, however, the chief or the most important. I come now to the duty of an English governor, supposing that the Court of Directors should not have given him any directions, and supposing that he had not violated any such instructions. Lord Ellenborough has not a mind so contracted as not to know the difference between the temporal effects—for I mean to speak only of these—and the civil effects of a religion like that of his countrymen, and a religion like that which exists among the idolators of India. It was clearly his duty to pay no homage to any native religion in that country, and to offer no insult to any. But, Sir, he has paid that homage, and he has offered that insult, and more than that. Not only has this homage been paid and this insult offered, but it has been done in the worst possible manner. We might have looked with some sort of favour on his Lordship's acts and intentions, it might have been some mitigation if those insults if they had been offered to the most degrading and most corrupting of all forms of worship, and if the homage had been paid to some reasonable and salutary doctrine. But the fact was just the reverse. His Lordship took the worst possible way of deviating from the required neutrality in the orders which he issued. He deviated from his proper course in the wrong direction; he offered an insult to truth; and he paid homage to the most vicious falsehood. Is it not an insult to truth? To what religion is it that the offering was made? It was to Lingamism—to a religion which is polytheism in its worst form, which in its nature presents the most degrading, the most odious, the most polluted representation of the Supreme Being. It is to that doctrine, which more than any other is fundamental to everything in the Hindoo religion, and it is in violation of all those principles which we are taught to consider as the mainspring of Christianity. And what is this temple which my Lord Ellenborough means to restore? The hon. Gentleman who last spoke seemed to think that he had achieved a great victory when he made out that the offering was not made to Siva, but to Krishna. Krishna is the preserving deity, and Siva the destroying deity, and, as far as one can venture to express any preference for these false gods, I confess that my own tastes would lead me to admire rather the preserving than the destroying power. But the temple was consecrated to Siva, not to Krishna, and the hon. Gentleman must know what were the rites—what were the emblems of the worship of Siva—what were the dreadful scenes enacted in this very temple of Somnauth. Why, in speaking in this House of those scenes, we are ashamed to describe things which the Governor-general is not ashamed by his proclamation to promote. Now this, I must say, is a great and serious wrong. Lord Ellenborough proposes the restoration of this temple, and I defy any one to put any other meaning on his words. Well, I have spoken of the moral consequences of this proclamation, and I will now come to the question of its political effects. On that point I agree in every syllable which has fallen from my right hon. Friend. I am convinced that the first effect of this will be, and I have strong reason to believe that that effect has already in some degree arisen, that amongst the Mahometans the most violent feelings of indignation will be excited. We know their feelings, and we know that by the Mahometans this will be thought one of the greatest outrages to their religion. We require for this proposition no better, and could have no stronger authority than that of Mr. Elphinstone. We know what have been the consequences, and what serious internal perils have arisen from former supposed outrages on the Mahometan religion. We need only remember the occurrences at Vellore and at Bangalore. In the first case outrages of an extraordinary description arose from a supposed disrespect being shown to the Mussulman turban; in the latter, similar scenes were enacted from some alleged disrespect to a Mussulman mosque. It is no light thing to commit such acts as this. I have reason to believe, and the House will agree with me that my belief is not without foundation—that there is a party of the Hindoos who look with great and eager joy at this proclamation, and the consequences which may be anticipated from it. They are elated with delight at this event, and they look upon it as a certain proof of the intention of the English Government to take them and their religion under its protection, and that some great victory of Brahma is about to be achieved. But does the Government mean to answer these expectations? Does the right hon. Baronet opposite mean to adopt Brahminical principles in the government of India? If not, I say that these great hopes must be disappointed, and the disappointment, consequent upon the continuance of those principles by which the Government is now actuated, must inevitably be followed by resentment and anger. And I do not know whether, I could apply to the question a fairer test than this; and I beg to call on the members of her Majesty's Government just to state to us what they mean to do about this part of the case. Do they mean to carry into effect the promises held out in the proclamation? Do they mean to authorize the Governor-general to restore the temple of Somnauth? Is the public revenue to be expended in creating a new place for the worship of the idols of the Hindoos—in erecting a new shrine for the exhibition of the revolting spectacles which have in former ages disgraced the locality of this temple—in hiring fresh hordes of dancing girls to do honour to the gods of idolatry. I have no possible doubt that Lord Ellenborough will receive, in some form or another, such an admonition as will prevent his incurring the odium consequent upon the adoption of such steps. What then will occur? The whole tide of popularity which has been gained by this proclamation among the Hindoos will be stopped—the Hindoo population, which will have been looking forward to this consummation of their hopes, will find that those hopes have been raised only to be disappointed. But, even if this be not so—if these effects be not produced—is it nothing I ask, to have this continual turning and wavering in a government like that of India. This is not the only proclamation which Lord Ellenborough has put forth. He put forth another, which contained an announcement that Dost Mohammed was coming to his Durbar, and then, in another, he contradicted this statement. And to this is to be added this new proclamation put forth with great pomp, promising the chiefs and princes of India, that something is to be done which cannot be done, because the Governor-general is opposed by the Government at home. By force of their superior authority he will be compelled to submit to the humiliating necessity of abandoning his promise. This, I say, is no light matter. It is a most serious thing to contemplate the feelings with which, so far as I can learn, the native population of India will be led to regard the noble Lord. We have had Governors-general of India of various stamps. Some Governors-general there have been who have been guilty of faults; some who have even committed crimes; the natives in some cases have hated the Governor-general, but now, for the first time, they have a Governor-general whom they laugh at. And how are we to blame the natives of India laughing at what is occurring under their own immediate observation; when all Europe, and all America are laughing too? Was there ever anything which more justly excited ridicule? And what is the defence which is set up? The hon. Gentleman opposite produces some turgid eastern papers, full of brilliant tropes and flowing figures, to show that this proclamation is couched in the terms in which documents in former times were sometimes couched by native princes. But is that a parallel case? May it not as well be said that it was fit that the noble Lord should allow his beard to grow down to his waist—that he should attire himself in the Eastern costume—that he should hang about his person jewels and glittering ornaments, aad that he should ride through the streets of Calcutta upon a horse gaily caparisoned, and ornamented with jingling bells and glass beads, and all the showy paraphernalia of the native princes? When the natives see a nabob or a rajah indulge himself in these luxuries, they bow to him, and take the splendour of his appearance to be indicative, as it is, of his rank, his power, and his wealth; but if Sir Charles Metcalfe had so bedizened himself, I am inclined to think that it would have been concluded, and not without reason, that he was out of his wits. Depend upon it the natives are not such fools as they are taken for. It is a mistake to imagine that they do not understand the respect which is due to the peculiar simplicity and solemnity of our habits and manners. The conviction exists in their minds between our appearance and our character, as between our white colour of skin and our superior education and powers of mind. And if this species of feeling were not sustained, to what ridiculous lengths we must go. Why, you do not suppose that the Governor-general should paint himself black surely, but even to this extent might the principle contended for be argued to extend. Why, it is by the association of ideas that their opinions of our great mental superiority, of our high morality, of the commanding powers of our minds, and of all those qualities which from the time of Lord Clive have made the English dominant over the country, are maintained. How is it that Lord Ellenborough seeks to maintain this high character which we have so long enjoyed? His plan of governing with success seems to have been that of turning himself as fast as he can into the various characters of Hindoo, Rajah, Mussulman, and omnipotent governor, and that alone supplies ample reason for his recall. But to turn to the words of this foolish proclamation. I say that it is neither English nor oriental. It bears no resemblance whatever to anything I have ever read of, which professed to be of the same character, nor of the hundreds of thousands of models to be found in the archives of the East India Company. It is not original either, and I will tell the House whence Lord Ellenborough borrowed it. It is an imitation of those trashy rants which proceeded from the proconsuls of France, in the time of the Directory during the French Revolution, and more especially of that address which was put forth at the time of the passage of the Po. It is exactly in the style of these productions, and my Lord Ellenborough could hardly be ignorant of them, or their terms. There are, besides, some lines of Mr. Canning upon them, which that noble Lord could hardly fail to know when he speaks of the invasion of Italy and the Justice of the agents of the Revolution. Mr. Canning says—

> "Not she in British Courts that takes her stand,
> The dawdling balance dangling in her hand,
> Adjusting punishments to Fraud and Vice,
> With scrupulous quirks, and disquisition nice;
> But firm, erect, with keen reverted glance,
> The avenging Angel of regenerate France—
> Who visits ancient sins on modern times,
> And punishes the Pope for Cæsar's crimes."

In the papers of Revolutionary France, the noble Lord formed his models. But they had an excuse which was wanting to the proclamation of the noble Lord. The French Revolution had thrown down all good taste and judgment in writing, and all diplomatic and official places were filled by persons new to public affairs, who had scrambled into high situations—some of them possessing mere smatterings of college learning, others devoid of education, except such as they might have obtained by chance, and from seeing Talma at the theatres. But was it, for the noble Lord to adopt these documents as precedents, he a Conservative Governor-general of India? If the noble Lord plead them, I think we may fairly say that he has found it difficult to find any other. I do think then, that in this proclamation we find matter for serious condemnation. If we go over all the statesmen who have governed India, we find none who have not committed very serious errors, and we find occasions on which, the most important, and most grievous mistakes were made. True it is that no statesman ever existed who did not commit some miscalculation. Lord Somers, Mr. Walpole, Mr. Pitt, and Lord Chatham had. Nobody would now deny that Mr. Pitt had miscalculated when he sent the expedition to Quiberon, but even then he had been guilty of no error like this; and all that could be said was, that though the miscalculations of those great men had been most serious and pernicious to the country, still they were not such as to unfit them for the conduct of the greatest affairs. This proceeding of the Governor-general of India reminds me of the triumph of Caligula, who took his soldiers to the beach, and bid them fill their helmets with cockle shells, and then marched them and deposited the shells in the Capitol as trophies of his triumph over the ocean. That was a proof that Caligula was unfit to govern. So it is related of the Emperor Paul of Russia, who once ordered that men should not wear pantaloons; that they should not wear their hair combed over their foreheads; and that, finally, having ordered that no man should wear a round hat, an Englishman thought to outwit him by going into the streets in a hunting cap, when the emperor, unable to define the new covering for the head, issued an order that no man should appear in public with a round thing on his head, such as the English merchant wore. It might be well said that a man who put forth such a ukase as this was not a man capable of managing great affairs. With regard to this proclamation, I do not say that the noble Lord is not entitled to employ a new style. Did it never occur to him, however, to consider that it was probable that if this sort of style had any peculiar advantage, Warren Hastings, Sir Charles Metcalfe, and other Governors-general, men who were as familiar with the languages and the manners and the habits of India, as many hon. Members of this House are with the language and habits of France, would, in all probability, have employed it; did it never occur to him I say—independently of his own high merit—that this original and striking mode of speaking to the people of India would have been just as likely, if not more so, to have been adopted by men of such attainments as I have described, if they thought it could be attended with any good results. But there is another reason why this proclamation is to be viewed with regret, because it affords a serious indication of the terms on which Lord Ellenborough stands with the officers of the civil service of the East India Company—and especially with that eminent individual, with whom I have the pleasure to be acquainted, whose name is attached to this notification. I will pawn my life, that Lord Ellenborough never asked that gentleman his opinion on the subject of this proclamation, or that, if he did, he gave an opinion adverse to it. No one in the Indian service will believe that the noble Lord ever applied to Mr. Maddocks. I am certain that no Governor-general who stood on the terms with the civil servants of the East India Company, on which Lord William Bentinck or Lord Auckland stood, would have looked to them in vain for aid. I am confident that if either of those noble Lords, in an unlucky moment — their minds enveloped in some mist—had proposed to publish such a proclamation, the gentleman to whom I have referred would have advised them not to issue it. The only possible explanation which can be given of the issuing of this proclamation, therefore, is, that the terms on which Lord Ellenborough stands with the Company's servants are such, that even the most eminent of those servants did not venture, even on the most important occasions, to offer him advice, however greatly he should be in want of it. I will now for one moment consider in what position it is that Lord Ellenborough is placed. Is the House aware, that even when the Governor-general is at Calcutta, surrounded by his council, his single voice can overbear that of the whole council in any case on which any executive measure is to be determined on? All that the other members of the council can do is to give him their opinions in writing, and to call upon him to write down his reasons for any adverse opinion at which he may arrive; and then, if he chooses, his single voice, whether the question involve the important considerations of war, peace, or finance, overbears all. The right hon. Baronet opposite is a powerful Minister—a Minister more powerful than any we have have had for many years—but I venture to say, that his power over the people of this country, great as it is, and extensively as it is exercised, is as nothing when compared with the extraordinary influence which a Governor-general can put in force over 90,000,000 or 100,000,000 of subjects of Britain. And this is his power when controlled by the presence of his council. But where is he now? He has given his council the slip—he is alone—he has not a single person with him who is entitled to advise him. If he had, there might be some hopes entertained that nothing like this would have happened. But, no; he is by himself. He is invested with the whole of the council. Of this you may be sure, that no Governor-general in this situation will ever have one word of advice, unless he so conduct himself as to show that he is willing to receive it; therefore, the danger and the risk of having a person in the position of Governor-general, who is disposed to place himself in a situation of solitude, at a distance up the country, are beyond all description. The interests constantly arising, and dependent on his sole command are so vast, that words which would only soberly describe them, would sound like a gross exaggeration, and those powers are all vested in one man who has only been a few months in India, and I can hardly think that my Lord Ellenborough can be said to have acted wisely, considering his short experience in India, in separating from all those who possessed knowledge and abilities, and had a right to advise him. We find other Governors-general who have had long acquaintance with that part of the British dominion, carefully abstaining from adopting a course calculated to remove from them the means of obtaining advice. I cannot sit down without addressing myself to the Board of Directors of the East India Company, and I must express my sincere hope that considering the heavy responsibility which rests on them, they will not hesitate to recal Lord Ellenborough from his government. I do hope that they will take the advice in this respect of one who was an attached servant of the Company; who still possesses the greatest desire for their good, and would do everything in his power to see them placed in a safe and honourable position. But if they are placed in that position that they cannot or will not recal the noble Lord, then I trust that they will not hesitate to give him immediate instructions to return to his council. He has now no adviser who can raise his voice to secure him from the creation of new evils. I am sure that the next despatches to be received from India will be looked for by the Board of Directors as well as by the Government with the greatest anxiety, I say, send back the noble Lord to Calcutta. There, at least, will be those who will be entitled to speak to him with authority, and who, if I know anything of the members of council, will do so. It is something even to be required to record your reasons for everything you do—it is something to interpose a delay, though only of twenty-four hours, which is required in this case, between the conception of a project and the carrying of it out. I know that these checks are not sufficient in some cases, but they are something, and I do most earnestly implore the Directors to consider gravely the position in which they will stand, if they give up this most faithful and sincere council. I cannot help thinking that where a body such as the council exists—a body formed for the express purpose of checking the Governor-general in proceedings inconsistent with the interests of the empire of Great Britain in India, the powers of such a body ought not to be put in abeyance in the case of a man who, above all who have ever been sent to India in the capacity of Governer-general, most stands in need of such assistance and restraint as the council are able and bound to afford.

Mr. *Hogg* begged to assure the right hon. Gentleman who had just sat down, that melancholy experience induced him to coincide in the sentiment with which he had concluded his speech. He entirely agreed with him in opinion, that a Governor-general ought to have the salutary advice and controlling influence of his counsel before he undertook any large enterprize, or determined upon any important measure. He remembered too well that the calamitous proclamation which had been issued by Lord Auckland from Simla, was issued by his uncontrolled authority, without the presence of a single councillor. The result of that proclamation, was the invasion of Affghanistan, which under his guidance, occasioned a loss of life, a waste of treasure, and a mass of disasters that had never before marked our career in India. He would venture to tell the right hon. Gentleman, that they would not carry with them the votes of the House, or the feeling of the country in this reiterated attempt to hunt down an absent and distinguished public servant, and that they had in vain exhausted their pious zeal and virtuous indignation. The right hon. Gentleman who had just sat down, in his attack upon the proclamation issued by Lord Ellenborough from Simla, had used words and expressions more offensive than those which had been so severely commented upon some evenings ago, when used by the hon. and learned Member for Bath, and the right hon. Gentleman had stated (and had appeared personally to him Mr. Hogg to corroborate the statement) that Lord Ellenborough did not know of the safety of the prisoners, on the 1st October; and that the proclamation, in that respect was false—[Mr. *Macaulay*—that it had a false date.] The right hon. Gentleman says that Lord Ellenborough had deliberately given to the proclamation a date which he knew to be false, and he had characterized the conduct of the noble Lord as contemptible. In reply to the appeal made to him, he begged to state, that to the best of his recollection, Lord Ellenborough received official information as to the safety of the prisoners on the 4th October, but he believed that he was aware of their safety on the 1st from private communications. But why did the hon. Gentleman apply to him for information? He presumed, and he hoped, for the right hon. Gentleman's own sake, that he was fully informed as to his facts, before he ventured to make such an imputation or to use such harsh language. The violence of the attack of the right hon. Gentleman—had exhibited this question to the House in its proper colour. This was eminently a party motion, brought forward for party purposes, and to gratify party feelings, though cloaked under the garb of sanctity and decorum. He (Mr. Hogg) had been taunted by the two right hon. Gentlemen as to the course he should pursue. He stated without hesitation, that he had not risen to defend the proclamation from the charge of indiscretion. He read it with regret and admitted it was indiscreet. But did it, therefore, follow that he was to join in a resolution of this House to denounce the noble Lord who was the author of it. Did the right hon. Gentleman mean to say, that there was no difference between admitting an indiscretion, and thundering forth a parliamentary censure. The right hon. Baronet at the head of the Government had made, he believed, during the last discussion, a similar admission. He went further, he stated candidly and without reserve, that he had considered it his duty, to make a communication to Lord Ellenborough on the subject. The right hon. Gentleman the Member for Northampton, then got the paper that he moved for—he obtained that admission from the first Minister of the Crown, and he embraced the opportunity to make a speech, well calculated to prejudice the House, against Lord Ellenborough, at a time when a vote of thanks to that noble Lord was about to be moved. One would have thought that this would have satisfied the right hon. Gentleman's zeal for the public good—one would imagine that this would have satisfied the ordinary asperity of party animosity, but not so—the right hon. Gentleman has again dragged this subject before the House, attempting to magnify the importance and exaggerate the effects of this marvellous document, that seems to haunt his peace and disquiet his conscience. He would tell the right hon. Gentleman that he would not succeed in this attempt to cast a stigma on the character of Lord Ellenborough. He would tell him, that the very course he had adopted, was calculated to defeat that generous object, was calculated even to produce a reaction in the minds of those who were disposed to admit the indiscretion of the noble Lord. There was in that House such an English love of fair play, a spirit that so rebelled against an attack so ungenerous and so ungrateful, that he believed in his conscience, that the motion of the right hon. Gentleman would produce an impression, in favour of Lord Ellenborough. He already felt his own impressions undergoing a gradual change under the auspices of his right hon. Friend. He began to think that he had judged and spoken too severely of this document, and if the right hon. Gentleman would only give a third notice and make a third speech he would probably succeed in satisfying him, that the proclamation might defy the most rigid criticism. But what was the crime, what the high misdemeanour that was to call for such an expression of opinion from the House. In a moment of excitement, when elated by the splendid success that had attended our arms, when filled with gratitude towards our native troops, who had so nobly sustained their character for gallantry and fidelity. Lord Ellenborough issues a proclamation, which he thinks will be gratifying to the people of India, as exhibiting their triumph over a power, that had so often invaded and devastated their country. The right hon. Gentleman who had introduced the motion, and also the right hon. Gentleman who had just sat down, had, throughout their speeches, assumed, that the proclamation had a religious character, and was addressed to a particular sect. Now, the proclamation was not addressed to any sect. It was addressed not to Hindoos or Mahometans, not to any particular persuasion or caste, but to the princes, chiefs, and people of India. Look at the order to General Nott, to bring away these military trophies, and to the proclamation itself. Was there in the spirit of these documents anything of a religious character, was there a single sentiment that had a religious bearing or a religious application? So conscious of this was the right hon. Gentleman, the Member for Northampton, that he had called on the House to found its judgment, not upon reference to the proclamation itself, or to the circumstances under which it was issued, but upon the result of his historical researches in Gibbon and Ferishta. The right hon. Gentleman contended, that Sultan Mahmoud, when ravaging the fair regions of Hindostan, was influenced, not by ambition, or desire for plunder, but by a love of the prophet, and a desire to propagate his faith; and thence he attempts to argue, that the proclamation of Lord Ellenborough must necessarily have a religious tendency. His hon. Friend, the Member for Belfast, had forcibly described the characters of the numerous invasions of Sultan Mahmoud, and that so far from being religious, two of the twelve invasions were against the ruler of Moultan, himself a Mahometan. The right hon. Gentleman who introduced the motion, had told the House that he would endeavour to vary his address, from a speech he had made on a former night, and to invest it with the character of novelty. He certainly had succeeded in doing so, for he had gone at length into the contents of the Blue Book, and had favoured the House, with a speech which he must have intended to make, upon the occasion of the vote of thanks to Lord Ellenborough. It had been stated, and he believed correctly, that the temple of Somnauth was now a desecrated ruin, and that the surrounding population were chiefly Mahometan, and the ignorance of Lord Ellenborough as to these facts, had been most severely commented upon. He (Mr. Hogg) admitted, that it might be fairly presumed that Lord Ellenborough, when he issued his proclamation, was not aware of the present state of the temple, and this, he thought, amounted almost to demonstration, that Lord Ellenborough regarded the gates solely as a military trophy, to be restored to the province from whence they had been taken. Can it be supposed that a man of his admitted ability, with such ample means of information, could have been unacquainted with the state and condition of the temple, if his intention had been to minister to the religious prejudices of the Hindoos. Lord Ellenborough's desire was to gratify the people of India, by the restoration of the gates as a military trophy, and he never troubled himself about the state of the temple from which they were supposed to have been taken. At the very moment when this proclamation was issued Lord Ellenborough was surrounded by a body guard, composed chiefly of Mahometans, and was attended by a Mahometan A. D. C. One of his first acts upon his arrival in India was to appoint as his A. D. C., a native non-commissioned Mahometan officer, who had greatly distinguished himself in one of the affairs of Affghanistan. So anxious was the noble Lord to have it in his power to confer such a distinction upon meritorious native officers, that he proposed, in consequence, to forego one of his European A. D. C. But the frequent allusion to Affghanistan, made by the right hon. Gentleman, showed the spirit in which this motion had originated. The gravamen was, that Lord Ellenborough, within ten months from the period of his arrival, had extricated India from the dangers, and had repaired the disasters and disgrace occasioned by the impolicy and injustice of those who preceded him. Surely the right hon. Gentleman cannot imagine that the House is dull enough to suppose, that this discussion is brought forward merely to pass an opinion upon the terms of this proclamation. No such thing. It was intended as an attack upon the whole Indian policy of Lord Ellenborough—upon himself—and his government; and was brought forward with the hope of inducing his resignation or recal. It would also be a censure on her Majesty's Government, and on the Court of Directors, whose duty it would have been to recal Lord Ellenborough, if his conduct had been such as to call upon this House to stigmatize it as indecorous and reprehensible. The right hon. Gentleman, the Member for Northampton, had intimated that the Court of Directors was under the influence of the first Minister of the Crown. It was true, that the great majority of the Court of Directors, in common with the great majority of the House, and of the people of this country, entertained political opinions in accordance with those of the right hon Baronet. But he averred, that the Court, in the discharge of their public duty, had never permitted themselves to be influenced by political feelings. They were fully aware of the importance of selecting a competent person to fill the high office of Governor-general, and he called the right hon. Gentleman himself as a witness to the competence and fitness of Lord Ellenborough, when selected for that great trust. Upon a former occasion, he spoke of having succeeded Lord Ellenborough at the Board of Control, and he had borne testimony to the great talents, the great knowledge of India, and the unwearied assiduity of that noble Lord. The Court of Directors also felt the importance of the power with which they were entrusted, to recal a Governor-general; and if the occasion should arise, they would not hesitate to exercise it uninfluenced by any consideration, but a sense of the public welfare. But they would be unworthy of the power entrusted to them, if they dealt with their responsibilities in the flippant and off-hand manner of the right hon. Gentleman, who seemed to attach no more importance to the recal or censure of a Governor-general, than to the pronouncing of a party speech in this House. It was difficult to avoid instituting a comparison between the present proceeding, and the course pursued by the right hon. Baronet, and the great part of his supporters upon a recent occasion, when the policy of Lord Auckland had been so severely assailed. He believed there was not a single Gentleman on his (Mr. Hogg's) side of the House, who did not entertain the strongest opinion as to the impolicy and injustice of the invasion of Affghanistan. But they refused to accede to a motion that might prove injurious to the public interests, or tend to disturb our relations with any foreign power. He hoped the day would never arrive, when the Conservative party, would seek to gratify their feelings of party animosity, by any proceeding, that could prove injurious to the interests of their country. He asked the House to reflect on the consequences which would ensue, if this motion were carried, or even received any general support. Could it be expected that the Government of India would possess any moral weight or influence with the public servants in that country, or with the native population, after the noble Lord at the head of the Government had been stigmatized by the censure of the House of Commons. He was sorry that the right hon. Gentleman had thought it right to infuse into this debate so much religious feeling which he (Mr. Hogg) thought ill-suited to party discussions. It was with reluctance that he adverted to this part of the subject, as it was difficult to deal with it, without incurring the wish of being misunderstood. He believed that the number of those who objected to the proclamation as offensive to the Christian feelings of this country was very limited; but however few they might be, he felt assured, that it would be a subject of deep regret to Lord Ellenborough if he had unconscientiously offended the religious feelings of any persons either in India or in this country. He begged to impress upon the House that the present motion was one of incalculable importance. That it did not merely affect the character and honour of Lord Ellenborough, that it equally affected the character, the honour, and the influence of the House. It had been said a few evenings ago that the thanks of the House was the greatest honour that could be conferred on a public servant, and that they would lose their value, if lightly bestowed. He entirely acquiesced in the truth of that sentiment. But he would add, that the censure of the House was the most ruinous instrument wherewith to blast the reputation of a public man, and that it ought to be reserved for adequate cases of public incompetence or delinquency. If inflicted lightly or rashly, it would be rendered innocuous. He had no doubt as to the result of the present motion, but he would earnestly entreat hon. Members on both sides of the House to repudiate in a marked manner this most unworthy and ungenerous attempt to hunt down, and crush a distinguished public servant.

Mr. *Mangles* said, that he would not be deterred by the insinuation of the hon. Member as to the motives of those who supported this motion, and who, he stated, took part in it for the purposes of party and faction. He should not be deterred by such imputations from doing what he considered to be his duty, both to India and to this country, and he would add, on this point, that with his good-will India never should be made the tool in that House for party discussion. The Indian empire was not a mere question of Conservatism, of Whig or of Radical politics, but it was the trophy of the British empire, and what he complained of was—one of the grave faults of the noble Lord at the head of the government of India—that in the proclamation of the 1st of October, that noble Lord made the matters of Indian policy the arena for political strife. When Lord Ellenborough was first appointed to the government of India he hailed the appointment, because he had heard much of that noble Lord's profound and almost unequalled acquaintance with all matters appertaining to our Indian empire, as well as of his great industry and judgment, and that it was after the most mature consideration the right hon. Gentleman selected him for the post. He knew too that his appointment was hailed with joy by the Board of Directors. He should have most sincerely rejoiced for the sake of India, if the noble Lord, by his conduct, had fulfilled all the expectations that had been formed respecting him. In all the letters which he (Mr. Mangles) had sent to India, he had congratulated his friends there on the appointment of the noble Lord, as that of a man well worthy of the high station to which he had been nominated; he therefore disclaimed being actuated by either party or personal feeling in the matter. He did not intend to dwell at any length on the supposed slur cast on Christianity by the proclamation which was the subject of the present motion, or assert that by it the noble Lord had done injury to the cause of Christianity in India. Indeed, he did not believe that any great injury had been done to Christianity by the proclamation; for this reason—which certainly was not one very complimentary to the noble Lord—namely, because it was so extremely absurd, could anything surpass the absurdity of a plan of sending gates to a temple, which temple did not exist? The proposition was so absurd and ludicrous, that evils which otherwise might have resulted from it would be obviated. He did not believe, also, that Lord Ellenborough had any intention to disparage or insult Christianity by his proclamation. Admitting the judgment and good sense, in other matters, of the man placed in this high situation, it was certainly clear, in this instance, that he did not see what the tendency of his proceedings was. Was it not a fact, that the tendency of the proceedings, as regarded this proclamation, had been condemned by every religious publication throughout the world? He would now say one word as to what had been asserted by the whole of the Indian press in condemnation of this proclamation, for they had been told that the unanimity of the Indian press on the matter against him, must be imputed to the dissatisfaction of the civil servants, whom he had unfortunately offended, and at whose disposal the press of India was. It was a gross mistake to suppose that the press of India was under the control of the civil servants; but if this were the case, the civil servants had bribed the press of India. On the same ground, then, he might assert that they had bribed the *Times* in this country and the leading papers in Germany, as well, indeed, as all the most able and important portion of the press throughout Europe. The civil servants must have bribed almost every intelligent man in the British Empire, and, indeed, throughout Europe; and he might add, that the civil servants had succeeded in bribing many Gentlemen opposite, for he hardly had seen one Gentleman sitting opposite out of the House, to whom he had spoken on the subject, who had not dwelt on the utter absurdity of this paper. He would now proceed to what he considered the *gravamen* of the charge against Lord Ellenborough, namely, the insult which this proclamation offered to the whole of the Mahomedan population of India. This was a point which his hon. Friend the Member for Beverley had touched upon in the lightest possible degree, but as a question of Indian policy it must be regarded as a matter of the highest interest. He hoped the House would bear with him while he proceeded to show what was the state of feeling amongst that important portion of our Indian population. He believed that it was not going much too far when he said that the Mahomedan population of India, including that of the tributary and subsidiary states, was 20,000,000. Taking the whole of the Mahomedan population of India together, they hated us with a very intense hatred; they hated us as the subverters of their dominion of those fair provinces which were now under our rule; they hated us still more as the conquerors of the descendants of the last true prophet. This was the situation in which we were placed, and we could not alter that feeling towards us, or remove the feeling of antipathy which they entertain towards us; and when he said this he believed that he did not use too strong a term when he said that they entertained a feeling of loathing towards us. It was our duty to show our superiority to such feeling, and, above all, being in the situation in which we were, by showing to them every kindness, and by abstaining from anything which was calculated to irritate or excite them. He did not wish the House to take this on his mere *ipse dixit*, but he could refer to the highest authorities in corroboration of the opinion which he had expressed. The paper which he held in his hand contained an extract from a valuable work written by a gentleman extremely well acquainted with India, and with the character of the native population. He believed that this work had never been published; but it had been prepared and printed privately for the use of the Indian government by Colonel Sutherland. It was entitled, *Sketches of the Relations subsisting between the British Government in India and the different Native States.* Colonel Sutherland in this work thus speaks of the Mahomedan population of India:—

> "The Indian Mahometan, whether in our ranks, in cities, or in villages under our government, or the villages of foreign states, will everywhere be found nearly the same. He belongs to a great family, having a united religion and united interests. He will everywhere be ready to support with his services or with his purse, his national cause against all others. Religion and government with Mahometans are never separated, and it is never forgotten, that the supremacy of the Mahomedans in India has been finally overthrown by us. The eyes of the whole Mahometan population of India will be turned towards him who shall successfully proclaim a crusade against infidel government and infidel people. He in the most remote village of the Deccan, will turn towards such a prospect with the same anxious attention as he of Calcutta or Delhi."

In a passage very near to this in the work, a comparison is drawn between the different troops constituting the native army, and Colonel Sutherland thus speaks of the character of the Hindoo soldiers. He quoted this to show how mistaken the hon. Member for Belfast (Mr. E. Tennent) was as to the character of the people of India, when he talked of the restoration of these gates, and the issuing this proclamation flattering the vanity of the great bulk of the people of India. Any one well acquainted with India would be well aware that there was nothing like national vanity, unless perhaps, it might be so traced, amongst the Mahomedan population. Colonel Sutherland thus speaks of the Hindoo soldiers:—

> "The Hindoos, of whom the great majority of our army consists, have no national cause of their own to support, nor is there any period in their history to which they can revert as furnishing them with anything national."

The only thing, they were told, which induced the Governor-general to issue this proclamation was to gratify the national vanity of the people of India, and they were here told by one, than whom no one was better acquainted with the native population, that no such thing existed in India. Now look to the other side. Consider the feelings of the Mahomedan population and troops, as to the insult which they could not help thinking must be affixed to them in this proclamation. Colonel Sutherland thus describes the feeling of the Mahomedan troops and population in 1832, when considerable excitement prevailed in consequence of a soldier having shot his officer owing to some religious feeling. He said,

> "In 1832, the trooper who shot his commanding officer, Major Wallace, was tried, convicted, and hanged in chains on a hill near the regimental lines, and about six miles from the city of Hyderabad. Presently it was given out that those who visited the body were cured of disease, with other stories, which the fakirs and priests know so well how to propagate for their own benefit. Thousands of Mahometans poured from the city of Hyderabad and all parts of the country to the spot to touch the body, and to catch the drippings that fell from it in its progress towards decay. It was the corpse of a Mahometan, who had suffered by the hands of infidels in a cause which, it is to be feared, too many of that sect would consider meritorious. A guard was placed over the body to prevent the crowd from approaching, but persons lingered near the spot, principally during the night, and at last it was thought right to remove the body."

Again, this officer thus described what occurred when, in 1827, Colonal Davies was murdered by the soldiers of his own regiment, and Colonel Sutherland was called upon to assume the command of his regiment.

> "The mutineers were charged by a squadron of cavalry, their own comrades, which had been drawn up near the spot, and most of them, with their ringleader, were killed."

Colonel Sutherland, called down from Delhi to assume command of the brigade, found the tomb of the ringleader decorated with the insignia of the grave of a Mahometan saint,

> "And at last, during the Mohurrum, lights

were placed at the tomb, and the green flag was raised over it."

If such were the feelings of the people towards us under other circumstances, how must they feel when they believed that Lord Ellenborough had offered an insult to them and their religion, when he took the gates from the tomb of the great Mahometan warrior and saint, and transferred them to the possession of those whom they despised, and whose ancestors he had conquered? He might be asked, how could you hope to maintain your power in India where you were always exposed to the danger of such feelings if you exasperated them? In the first place, he would say, that you could do much to command their respect by the constant manifestation of fairness, justice, and impartiality; and, in the second place, the Mahometan uniformly entertained a strong feeling of attachment to those whom he served, and they were uniformly faithful in a remakable degree to those—as they termed it themselves—whose salt they ate. Now, he believed that both these feelings had been outraged by the act of the Governor-general; and as for the excuse that was offered, no notion of national law or national feeling existed amongst the population of India, such as existed in France, or Germany, or other European states. The feelings of the Mahometans were most acute in a matter which concerned their honour; and regarding Mahomet, as they did, as something more than a great warrior, they considered the bringing back the gates placed at his tomb as an insult of the bitterest kind offered to themselves. He repeated, that he was satisfied that the Mahometan soldiers looked at it as an insult offered to them as faithful servants of the company. The hon. Member for Beverley deprecated any reference to the Blue Book. He should refer to it, not with the view of finding any matter to disparage the general policy of Lord Auckland, but to see, in the terms of eulogy so often and so justly bestowed on the native troops, what was the opinion entertained of the conduct of these troops, whose feelings had thus been outraged. The right hon. Member for Northampton, alluded to what had taken place at Madras, when a soldier refused to obey his officer and came forward and asked permission to abandon the service rather than attend a Hindoo procession; this was a striking instance, but many similar cases might be referred to. He would say, that this proceeding was not merely an act of impolicy, but of ingratitude to those Mahometan soldiers who had fought for us—and he did not wish to say this offensively—better and more zealously than the Hindoo soldiers. Many instances of their superior conduct to the other troops were to be met with in the Blue Book, and he would refer to one or two cases as an illustration of what he meant. One of the native Mahometan officers, Hyder Ali, was repeatedly mentioned in terms of praise, and Captain Gerrard, in the despatch No. 99, spoke of him in the highest terms. In General Pollock's despatch describing the battle of Tezeen, he said,

> "I must not omit the expression of my regret for the fate of Hyder Ali, the native commandant of the Jezailchees, a most gallant and enterprising soldier, who was killed while attempting to seize one of the enemy's standards."

Lieutenant Eyre spoke of several native Mahometan officers who had distinguished themselves in Affghanistan, and in a note of the date of the fatal 23rd of November mentions, that out of the six or seven officers who distinguished themselves in the vain endeavour to lead their men to their duty, three or four were Mahometan native officers. Again, Captain Oldfield, who was commanding the cavalry at Jellalabad with Sir R. Sale, said,

> "The whole of the troops under my command behaved most gallantly; and I received the greatest assistance from Lieutenants Mayne and Plowden, and Subadar Sheikh Myhhan, of the 2nd troop 5th Light Cavalry."

These were the men whom Lord Ellenborough took the opportunity of insulting. The feeling, perhaps, would not occur to an Englishman, but to a Mahometan the case was very different. It was stated by all the officers, that at Jellalabad the Mahometan troops behaved with singular fidelity; and the whole of the observations of the Brigadier-general showed how superior their conduct had been to that of the Hindoo troops. General Pollock, in his despatch to the Adjutant-general, dated Kowulsar, March 3, 1842, speaking of the conduct of the native troops between Peshawur and Jellalabad, most carefully separates the Mahomedan from the Hindoo troops. He speaks of the Hindoo soldiers as being unwilling to advance, but he utters no such expression with regard to the Mahometan troops:—

> "It is to me most painful that, notwithstanding all my hopes about the state of the men, I am sorry to say there have been several desertions of late, and there is a feeling among many of the Hindoos of four regiments of Brigadier Wild's force, which is most lamentable."

Again, Major Hoggan, in a despatch to Captain Ponsonby, the assistant adjutant-general, stated:—

> "I have the honour to state, for the information of Major-general Pollock, C. B., commanding, that all those Hindoo sepoys of the 53rd regiment Native Infantry, who had a few days ago, allowed themselves, in an unguarded moment, to evince feelings so immediately opposed to those of soldiers, have now unanimously expressed their contrition, and have given the most satisfactory assurances, through their respective commanding officers, that I shall never again have occasion to be displeased with them, and that they will strive in future to deserve the favourable opinion of the major-general."

He had listened very attentively to the very eloquent speech of the right hon. Gentleman at the head of the Government, when he moved the thanks of the House to the army in India, and could sympathise with him when he deprecated the use of any language derogatory to the merits of our native troops when in Affghanistan, considering the difficulties they had to contend with in a climate so different from any they had been accustomed to, and alluded to the feelings of dismay which operated on the veteran legions of Alexander, when they passed through the same country. He deprecated any attempt to lessen the merits of the Hindoo soldiers; but if this was to be used as an argument for the Hindoo troops, how much stronger was the case in favour of the Mahometan troops. These were the men, then, whom Lord Ellenborough had insulted — and grievously insulted—by his proclamation. He could assure the hon. Secretary for the Board of Control, that he never was more mistaken on any point than he was as to the feelings of the Mahometan population on the invasion of Affghanistan. The hon. Gentleman said, that the Mahometans of India had manifested the utmost indifference on the subject, and he drew the inference from this assumption that they would be perfectly indifferent to the return of this trophy to India. Now, he was in India at that time, and he easily could be corrected if he spoke erroneously; but he could give his assurance to the hon. Member that the matter of fact was entirely different to what he had supposed. There was the strongest Mahometan excitement throughout India when the Affghan war commenced, and the attention of the native Mahometan population was perfectly alive to the matter, and was directed towards Affghanistan, and there was a strong Mahometan feeling, that the glories of Islamism were about to be restored. There were strong expressions to this effect in a Persian newspaper, printed at Calcutta, and which was well known to express the feelings of the Mahometans. It was a most erroneous feeling to suppose that the Mahometans in India were indifferent to what was passing around them, but they were sensitive to a degree in matters which we, in happier circumstances, could not feel. Colonel Sutherland mentions the murder of an officer by his troops, merely for ordering their beards to be trimmed in a certain manner. If these men entertained such feelings respecting merely a few hairs on their beards, what would be their feelings on such a subject as the gates of Somnauth, touching these religious prejudices so strongly as they did. He had spoken hitherto of the feelings of the Mahometan population in India—men of warlike habits, and of firm resentments, and ill affected to the British Government. It was a great mistake to suppose that these Mahometans regarded the Affghans as a robber tribe. A feeling to the contrary of this was shown by what took place at the battle fought at Maniput in 1760, against the empire of Delhi, which lasted two days. The hon. Member for Beverley seemed to dissent; but although Delhi was a Mahometan state, yet practically it was in the hands of the Mahrattas. If the matter was looked into, it would be found, that there was hardly a Mahometan of any rank, who had not got Affghan blood in his veins. In several states of India the rulers notoriously were descended from the Affghans. This was particularly the case with the heads of the Rohilla tribe, and some of the rulers of Guzerat. It was notorious to every one who was intimately acquainted with the people of India that many of the Mahometan princes prided themselves on their descent from the Affghans. On this point, he would read an extract from Sir John Malcolm's valuable work on Central India. He was speaking of one of the most celebrated military exploits ever performed in India—he meant General Goddard's march across the country—and he said—

> "That the remaining part of the march of the Bengal detachment, after it passed the Nerbudda, was unobstructed, may, in some degree be ascribed to the line taken by the Patans of Bhopal, whose conduct on this memorable occasion, established a claim upon the British Government, that merited all the notice which it has since received. In an official abstract, made from the correspondence of General Goddard, it is stated that every effort was made to render the Nabob of Bhopal hostile to the English, but in vain; he remained true to his first promise of friendship, though many of his fields and villages were, in consequence of his fidelity to his engagement, plundered by the Mahrattas."

In a subsequent part of the same work he again thus described the same classes:

> "They are, however, deserving both of that solicitude and favour which they have hitherto received, for Bhopal is at this moment, and will continue while well managed, an essential point of strength in Central India."

He would repeat it, there was no person of Affghan descent whose feelings would not be outraged by these proceedings of Lord Ellenborough. Nor were the native princes and soldiers of India alone concerned in this consideration; a very large portion of our very best civil servants, and four-fifths of the native judges of India, were persons of Mahometan descent, and proud of that descent; the greater part of them with Affghan blood in their veins, and all of them very sensitive to any insult of this description. Before he concluded, in spite of the denunciations of the hon. Member for Beverley, and his ascription of party motives to gentlemen of a different opinion from his own, he (Mr. Mangles) would speak out frankly and plainly, as to the mischief which he believed would result to India, if Lord Ellenborough were continued in the government of that country; and if all the gentlemen connected with India would speak as frankly on the subject in the House as they did out of the House, there would be a marvellously unanimous vote on this motion. He hoped, indeed, that, in spite of all that had been said, the recent vote of thanks to Lord Ellenborough was intended to cover his retreat from India. He hoped very soon to see the return of that noble Lord to this country. If Lord Ellenborough was not recalled he (Mr. Mangles) would stake what little character or reputation he might possess in that House on the correctness of this prediction—judging from the specimens which they had already had of the noble Lord's conduct—judging from his conduct in many other respects, than the matter under consideration—judging from this fact, among others, that, during the short time he had been in India, he had managed to set the civil service and the army at extreme jealousy the one of the other—that Lord Ellenborogh if he remained in India, would inflict the greatest and permanent mischiefs on that noble possession of Great Britain; and should those mischiefs ensue, the right hon. Gentleman opposite, who had the power to avert them, and would not stretch forth his hand to do so, would be responsible for the great and complicated calamity.

Mr. *B. Escott* said, he agreed with the hon. Gentlemen who had stated that this was a question on which they ought to throw aside all party prejudices, and ought to look to the interests of the Indian empire and to the interests of this country. The Governor-general was the servant of the East India Company, and the representative of the Majesty of this great nation in its East Indian dominions, and he did not understand how it could be for the interest of India and of this country to endeavour to cry down Lord Ellenborough in this manner. Why had not right hon. and hon. Gentlemen opposite, if they really entertained the opinion of that noble Lord which they expressed, come forward with a direct vote of censure, and a motion for his recall? Who was it that right hon. and hon. Gentlemen were thus calumniating? The representative of our Queen, the representative of the East India Company, the representative of the Majesty of this great country in our Indian dominions. Against this distinguished functionary, though they dared not say that he had done anything for which he ought to be recalled, yet they dared to throw out imputations against his religious character, imputations founded on mere verbal criticisms on his proclamation; in the hope of casting a stigma on a man who had been their political opponent at home, and whom they now regarded as a rival who had supremely triumphed over them in India, by the glories which he had acquired there. What was the history of this motion? The right hon. Member for Northampton said that had he wished to oppress the Governor-general of India, he might have found a much better time for it than the present. Certainly it appeared to him (Mr. Escott), that if the right hon. Gentleman had thought fit to make a plain and intelligible statement to the House of any reasons he might have to produce why the House should pass a vote for the recall of Lord Ellenborough, he might have found a better time for it than that night. The Parliament met on the 2nd of February, and at that time it was the general expectation that some motion would be made, not as to the present, but as to the late Governor-general of India with reference to the war which that noble Lord had undertaken in Affghanistan; but on the discussion of the Address to the Throne, strong strictures were made on the conduct of Lord Ellenborough: and in the House, and out of it, the common observations which were made on these strictures, and on the state of public opinion with reference to what had taken place in India, both under Lord Auckland and under Lord Ellenborough, was, "What a God-send for Lord Auckland was Lord Ellenborough's proclamation." On that same day the hon. Member for Bath gave notice that he would move for a select committee to inquire into the conduct, and into the justice and policy of the war in Affghanistan, and, of consequence, into the conduct of Lord Auckland; but that day also the right hon. Member for Northampton moved for a copy of the despatch containing the proclamation so much talked about, fixing his motion for the 9th of February, or the 17th of February. The hon. Member for Bath, on the 7th of February, deferred his motion to the 21st. On the 20th the right hon. Member for Northampton gave notice of his intention to move these condemnatory resolutions against Lord Ellenborough on the 28th. On the 21st the hon. Member for Bath deferred his motion to the 24th; and on this occasion it was quite clear, from what passed between the right hon. Baronet at the head of the Government and the hon. Member, that this motion, fixed for the 24th, was not to come on on that day, but on some later occasion. On the 23rd the right hon. Member for Northampton again deferred his motion to the 9th of March, thus taking especial care to skip over the time when the motion would come on as to the policy and justice of the Affghan war. Now did any one suppose that if Government had not thrown its shield over the late Governor-general, the policy of the noble Lord as to Affghanistan would not have been condemned by a large majority of the House? He did not mean to say that Government had not had the best and most patriotic reasons for the course it adopted. He could understand that it was for the interest of the country that such a question as the war in Affghanistan should be allowed to remain in peace, after peace itself had been achieved, that no further inquiries should be made on the subject, that the best should be made of a bad matter, and that we should abstain from all further attacks on those who had engaged in the war. But in the meantime what happened? Both Houses of Parliament voted their thanks to Lord Ellenborough and the army in India; and only yesterday another body, equally, if not in a greater degree, interested in the Government of India, the Court of Proprietors voted their thanks also to the Governor-general. After this, the right hon. Gentleman, after having recorded his vote in favour of the vote of thanks—after having received the shelter of the present Government for his own party, now came down with this attack on the present Governor-general. They were called upon to vote the proclamation and the act which accompanied it, "unwise, indecorous, and reprehensible." They who last Session were told that they dared not stir against Lord Auckland in his absence, they who were told they dared not vote the Affghan expedition unjust, because he who had undertaken it was not present to explain himself, were now called upon to vote the conduct of that man reprehensible, and heap on his acts other calumnious epithets, while he was not here to give one word of explanation. Ought not Lord Ellenborough to have some time to explain whether he might not have thought some sacrifice necessary to the opinions of the Hindoos in consequence of the influence of that free press which had now been established there? He was told they had no right to look to what Lord Ellenborough had done; that, according to the right hon. Member for Edinburgh, was not a fair issue. But, as an honest man, when called upon to decide whether a Governor-general was to be condemned for putting his hand to a paper, he felt himself bound to take into consideration the acts he had done. He would say more than that. He would tell the right hon. Gentlemen opposite, that they took into consideration the acts Lord Ellenborough had achieved. He had committed grievous offences—he had done things in India by virtue of his high office which they would neither forget nor forgive. Before he went to India he condemned their war; since he had been in India he had triumphantly concluded it. If there was one thing more galling to human nature than another, it was to see him whom they hated, enjoy the opportunity of retrieving the errors they had committed. Such was the position of Lord Ellenborough, and therefore they decried him to-night. They dared not do so on the first night of the Session; they dared not move an amendment to the address against Lord Ellenborough; they waited till they saw the result of the motion brought forward by the hon. and learned Member for Bath, and when they saw that the Government would screen the delinquency of their friend, their gratitude evaporated in one little week, and down they came with their trumpery story about the rotten gates of Somnauth, not venturing to pronounce a plain and intelligible censure by naming the recall of Lord Ellenborough. The right hon. Member for Edinburgh was a great critic; he was accustomed to review the works of others, so he reviewed the proclamation of Lord Ellenborough. He took it to pieces word by word, distorting all the facts, and twisting everything into an attack upon him who he knew had been the successful vindicator of British honour in India. Because he could not find fault with his acts, he attempted to raise a laugh at the expense of the Governor-general's proclamation not being, as he himself admitted, a very happy specimen of English. He was not going to defend this proclamation in every particular. He knew there were men in the country, and some in that House, who had the strongest objection against this proclamation and the act which accompanied it. He referred ro a class of persons at whose head stood his hon. Friend the Member for the University of Oxford, of whose principles he most highly approved. He knew what course that hon. Baronet had taken before and what course he would take again to-night with reference to this question. He felt it would not only be a serious inconsistency on his part, but also that it would amount to a serious evil, as far as one vote could produce that effect, were he to support the motion of the right hon. Gentleman; and if in doing so he took a course different from that of his hon. Friend, the Member for the University of Oxford, not all the respect he entertained for the character of that hon. Member would induce him to refrain from telling him that he thought he was in error. He looked on this motion as being an attempt to take advantage of the good feeling of the country, and to pervert that good feeling to an unjust and an improper purpose. There certainly was a feeling in the country against the proclamation, but that feeling was now weak indeed compared with what it was six weeks ago, and those who supported this motion to-night had much indeed misconceived the genius of the people of this country if they thought they had gained by their delay in bringing this motion forward. The people of England loved the religion of their country—they were disposed to show respect towards the religion of other countries; but there was one other thing they loved—plain dealing; there was one other thing they hated—they hated hypocrisy and hypocritical pretences. The Gentlemen opposite talked of a religious man, one Sultan Mahmoud; it had been as well if they had left it to some religious man to bring forward this question. As it was, he was quite ignorant how long since the right hon. Gentleman had taken these notions of hyperpiety into his head. Did not Lord Ellenborough disavow the motives which had been imputed to him? Did not all those who spoke for him in his absence, and who knew him best, utterly disavow them on his behalf? Some Gentlemen, perhaps, remembered the feeling which was expressed by the people of this country when the Elgin marbles were brought from Greece; that an earnest desire was expressed that these remnants of ancient art should be sent back to their native homes. Suppose the Government of that time had acceded to this wish, and had sent back those great monuments of by-gone times. What would have been thought of any Gentleman who should have got up in the House, and argued that it was an insult to the religion of this country to send back these noble relics to the restored temple of Minerva at Athens. Whatever the people of England might feel with regard to the wording and to the object of that proclamation, they did think it most unfair, most unjust, most contrary to the principles of their own religion, to impute motives to a man which he himself disowned; and Lord Ellenborough did disown those motions. On this head he would appeal to the authority of one who, to his honour, had stood up to defend him who was not there to defend himself—he meant the hon. Member for Guildford. That hon. Member had declared his conviction from the benches opposite, that Lord Ellenborough in penning the proclamation, had intended no insult to the religion of his country. All that the people of England knew on the subject of the proclamation, and of Lord Ellenborough, was this: —they knew that by the noble Lord's predecessor the country had been plunged into an unworthy, and as it resulted, a disgraceful war, from which through Lord Ellenborough, they were delivered. The noble Lord, the Member for Tiverton had said, it was by a miracle that the country was delivered from that war. The people of England did not go so far as the noble Lord in attributing the successful result of that war to a miracle, but they did attribute it to the conduct of the Governor-general, and the valour of the British troops. Remembering this service, they also saw that the Governor-general had written a proclamation, which it was admitted on all hands he had better not have written; but still they said—

> "Is it fair to turn round on this Governor-general and obliterate the memory of all else that he has done, because he has penned one indiscreet proclamation?"

This he believed to be the feeling of the people of England on this question, and, thinking thus, he did say, that adopting the words of the motion as applied to the proclamation, they would apply those words to the motion itself and say, that in their belief it was an unwise, indecorous, and reprehensible motion.

Mr. *Hume* said, the hon. Member who had just sat down, had given a history of the motion, with a view of leading the House to believe that he understood the question; but it would have been much better if the hon. Member had answered the arguments which had been brought forward. The hon. Member had not touched one point, nor answered one argument which had been urged by the right hon. Member for Edinburgh. If crimination and recrimination were arguments, the hon. Member had done enough; but he would have exercised a sounder judgment had he met the arguments by which the motion was supported. The hon. Member had reproached those who brought forward the motion with attacking Lord Ellenborough, and had reproached the right hon. Gentleman opposite with having defended the late Government on a former occasion. The right hon. Baronet, the hon. Member said, had thrown a shield over them by refusing the information and the committee for which his hon. and learned Friend had asked. It was true the right hon. Baronet had done that—the right hon. Baronet had resisted the inquiry, for which he was sorry. That statement was no argument against him, for he had supported that motion. He was no party man on this question, but he had a strong feeling on the subject. His situation differed from that of other hon. Members around him, and he acted on different grounds. He did not, for example, consider this as a religious question, and he would prove that it was not. He certainly concurred in opinion with the right hon. Gentleman the Member for Edinburgh, that experience proved that the time was come when Lord Ellenborough should be removed from the government of India. He agreed entirely in that opinion, and he should state on what grounds he supported the motion. Almost every act of that noble Lord, by the concurring testimony of all the letters from India—of letters from civil, military, and commercial authorities—created alarm in India, and excited the fears of the people. It was not the one production only of the noble Lord, though as the hon. Member (Mr. Escott) fully admitted, the language of that production was ridiculous and absurd, which was the cause of the alarm which pervaded all India. The right hon. Gentleman the Member for Edinburgh had appealed to the hon. Director opposite (Mr. Hogg) whether the noble Lord had not acted without consulting his council, and had asked him whether this ought to be the case, and whether the language used by the noble Lord, and his hasty, rash, and inconsiderate letters were not all like this proclamation? The noble Lord kept at a distance of a thousand miles from his council, and he was convinced that there were not two men in all India who would venture to give the noble Lord any advice. All his proceedings were rash, and he thought improper. He was one of those who approved of Lord Ellenborough's appointment. He believed that the noble Lord would make a very good Governor-general, and would be as good a friend to India as it ever had. The noble Lord appeared to devote his whole time to the subject, and gave him the most favourable impression. But he had been compelled to alter his opinion, and his new opinion had been forced on him by circumstances and testimony he could not refuse. He agreed that it was not for a single act they ought to condemn Lord Ellenborough; but the whole aspect of things was improper, and for that general condition, they ought to withdraw their confidence from Lord Ellenborough. He could assure the House that all the letters from India for the last three months expressed a total want of confidence in the noble Lord. The right hon. Gentleman the Member for Edinburgh had properly asked the right hon. Gentleman (Sir R. Peel) opposite if he were not alarmed at every mail which came from India? He was sure that the right hon. Gentleman was, and that not a day passed in which the right hon. Gentleman did not feel anxiety as to what the next arrivals from India would bring. He regarded Lord Ellenborough's separation of himself from his council, and his taking advice of no one, as decisive against him. He attributed the noble Lord's conduct to no bad motive. His overweening vanity, his hasty impulses, drove him to act regardless of other men, and made him do the foolish things he did. It was said that Mr. Maddocks had not offered Lord Ellenborough a single word of advice, or given a single opinion to him for the last three months. In fact, no person ventured to give the noble Lord any advice; and there were few men who had passed their lives in India, such as the members of his council, who would brook the treatment to which the noble Lord subjected them. It was on this ground, as stated by the right hon. Member for Edinburgh, that he supported the motion. Not one point of that right hon. Gentleman's speech had been answered by the hon. Director (Mr. Hogg), and all that he had done was to recriminate and attack Lord Auckland. But what satisfaction was it to the people of India that they were to be put to the expense of 17,000,000*l.*—for the war would cost that before all its expenses are paid—what satisfaction to them was this crimination and recrimination of parties in that House? He wanted, and they wanted, security for the future. The motion, he admitted, though not so expressed, was tantamount to recalling the noble Lord. He would rather that the motion had been so worded, and had rather that it had been made directly for his recall. As the motion stood, he did not see how hon. Gentlemen opposite could refuse their assent to it, for it said nothing they did not agree to. The hon. Member who had just sat down had called the language of the noble Lord foolish, absurd, and ridiculous, he said, that it was in bad taste—and, in short, not one person had defended the noble Lord's proclamation. If the motion were made for the recall of the noble Lord, he should support it with pleasure. Whatever the resolution might express, the speeches by which it was supported were all directed to the recall of the noble Lord. In his opinion, the resolution, which, as now framed, was mere milk and water, should be made to conform to the speeches. It was not on one proclamation alone that he founded his opinion; he had seen another proclamation of the Governor-general, in the same style as the one under consideration, which had been reprinted at Bombay, and circulated all through India. It was in Hindee, and decorated with such a seal as he had never seen before. He had seen a great number of seals in India, but he never saw one like this. The inscription around it was in Persian, and he procured a translation of it. It ran thus:—

> "The cream of princes, high in dignity, Privy Councillor to (her) Gracious Majesty the Sovereign of England, whose court resembles the planet Saturn—most noble of the Emirs, Edward Lord Ellenborough, Governor-general and Bahadur, Supreme Administrator of the well-guarded provinces belonging to the English company connected with the country of India. The year of Jesus, 1842."

The proclamation with that seal, with a Hindoo signature, was sent all through India. He (Mr. Hume) forgot what was the nature of the Marquess Wellesley's seal, but the custom was, that the Governor-generals of India assumed whatever title they pleased upon entering upon their office. The old form was, to apply to the king of Delhi, who gave them what title he pleased. But to return to the Somnauth proclamation he must say, that on reading it again he could not see that it had anything to do with religion. The right hon. Member for Edinburgh (Mr. Macaulay) had stated, that it was an insult to one religion or the other—the Hindoo or the Mussulman. He did not agree with that. Take the first line—"From the Governor-general to all princes and chiefs, and people of India." There was no distinction there between Hindoo and Mussulman—not a word to lead one to suppose that the proclamation was addressed to either exclusively—the language forbade one to consider that the proclamation was an insult to either. It was not, possible, too, for the Hindoos to use those gates for any religious purposes. The law forbade them. The Governor-general, however, displayed an ignorance for which schoolboys would be whipped. The President of the Board of Control showed considerable ignorance, too; but the ignorance of Lord Ellenborough was unpardonable. The Board of Control could not be ignorant of all the circumstances connected with the temple of Somnauth. The Indian Government must be perfectly acquainted with them. He found in the *Asiatic Journal* for October, 1838, an account of the place from Lieutenant Hoskins, who had been deputed to visit it. He stated that Somnauth was a seaport that was overlooked by the promontory of Chattewar; he described the temple to be an oblong building, ninety-six feet by sixty-eight long. The whole population were Mussulmans. No service had been performed of any kind; there had not been for ages, as far as history related, any service there. The noble Lord, therefore, no doubt wrote this proclamation in utter ignorance of the state of this temple. He said—

> "You will yourselves, with all honour, transmit the gates of Sandalwood through your respective territories to the restored temple of Somnauth."

Why, there was no temple. Was is not a strange thing that the Governor-general of India should be so ignorant? But that was the consequence of his consulting no one, of being absent from his council—of taking no advice—and of his hastily giving orders to his secretary to carry out his own notions. It is true there was a shrine there at which ceremonies were performed which would not be tolerated now. But the report of renewing that temple had caused alarm in the country. He was sorry to see it, and had himself several petitions to present against the proclamation, which were founded on the belief that it was intended to renew the worship of Siva, to which the temple had been dedicated. The fact was not so; the temple was not restored, nor was it intended to be restored by the noble Lord. If there was such an intention, it was enough, he admitted, to alarm a Christian community. He attributed the proclamation of the noble Lord to no such motive, but to most extraordinary ignorance, and he believed that the noble Lord never entertained the intention at which the people were alarmed. He would ask the House this question, what would become of the gates when they arrived? There was no place to put them. The Rajah of Guioewar in whose territory the temple is situated, and all the population in the neighbourhood, are Mussulmans. That was a dilemma. They had got the gates, but they had no place to put them. Was not that a proof of gross ignorance in the author of the proclamation? He would further say, that it was quite impossible that the gates should be applied to a religious purpose. No Hindoo would admit them to form any part of a building devoted to religious purposes. He would refer to a letter which he had received from a Hindoo—the late Vakeel to the Rajah of Sattara. He had made inquiries as to the religious feelings of the Hindoos, and he would read the letter he had received. The hon. Member read the following letter—

"9, *Blandford-place, Regent's-park,"*
Feb. 18, 1843.

"Dear Sir—It appears to me that the restoration of the gates of the temple of Somnauth to India could have no reference to the support, or degradation of any religious creed. The appropriation of those gates to a Hindoo temple, or to advance, in any way, the Hindoo faith, is rendered utterly impracticable, by the tenets of the Hindoo religion; which clearly prescribes and declares, that whatever material that may have been placed over, or may have been in contact with a dead (human) body, whether a tomb, or even a garment, is thereby polluted and contaminated, so as to be unfit for any purpose whatever, except that of being destroyed. I am, therefore, of opinion that the Governor-general (doubtlessly, with many intelligent advisers, in his suite) never contemplated that gates, which for ages had formed an important part of the tomb of a Mahometan prince, could be subsequently applied to a Hindoo temple; and their removal from Affghanistan must have been to gratify the feelings of the British Hindoo army, by recovering these relics of degradation, respecting which the Hindoos of Western India had for ages been upbraided; and by placing such a token of past humiliation at the disposal of those sects, from which they had been forcibly wrested by a Mahometan conqueror; an act by which the Indian government must have conciliated the feelings of the British Hindoo army, on their return from those scenes of death and sufferings to which thousands of their countrymen had been sacrificed by a reckless enemy.

"In conclusion, I cannot but encourage the hope that the kind determination expressed by Lord Ellenborough, to cultivate the goodwill of the princes and chiefs of India, in his late proclamation, will also extend to his inquiry into the grievances of my unfortunate master (of high and ancient lineage), whose only crime or culpability has been fearlessly sustaining the truth, by avowing his innocence of alleged guilt, emanating from a foul conspiracy of his own subjects, and for which he has been unheard and unheeded, consigned to exile from the government of his people, and the throne of his ancestors.

"I have the honour to be, with great esteem, and respect, dear Sir, your obedient servant,

"RUNGOO BAPOJEE,

"Vakeel to his highness the dethroned Raja of Sattara.

"To Joseph Hume, Esq. M.P."

It was his opinion, too, that Lord Ellenborough did not mean to pay any homage to the religious feelings of the Hindoos. On the contrary, his only intention was to remove from the minds of the Hindoos that feeling of degradation which they yet entertained from having been conquered by the Affghans. His object was to relieve that country, which had been overrun by the Mahometan conqueror, from the painful feelings which had been rankling amongst the people for nearly a thousand years. The noble Lord concluded that he should do that, and that he should encourage their attachment to the British Government by the proclamation. The noble Lord, he was sure, never intended to do homage to the Hindoo superstition. He was satisfied, and he thought the House would be satisfied by the letter he had read, that the object of the noble Lord was merely to bring back the trophy of Indian oppression which had long been felt as an opprobium in India, and not excite the popular superstition or passions of any district. That was the real object of the noble Lord's proclamation. It did not apply to religion at all, though he knew that the religious feelings of this country had been unnecessarily alarmed, and he hoped that they would be appeased by this explanation. For him it was perfectly satisfactory. He maintained that by the proclamation being addressed to all the people of India, it set aside religious feelings altogether. There was not a single sentence in the proclamation which applied to any sect or religion in particular, and there was no one sect to which there was any one sentence likely to give offence. At the same time, he must say that such had been the conduct of Lord Ellenborough, that he believed it would be a wise and good policy to remove him as soon as possible from the Government, in order to prevent the chance of further and greater evil. The change could not be made too soon. He hoped, as he had heard, that it was true that the noble Lord's successor was named. He trusted that if it were not so, the discussion which had taken place would hasten the noble Lord's recall. His object, in making these remarks—though he concurred in the motion, while he had different reasons for supporting it from most of the hon. Gentlemen around him—was to endeavour to disabuse the public. He wished Lord Ellenborough removed, and therefore he supported the motion. This act of the noble Lord might be taken as a sample of the hasty way in which he had done so much since he went to India. His proceedings with respect to the rewards to the officers and soldiers who had served in the Affghan campaign, though he (Mr. Hume) admired the intention of them, were nevertheless taken in the most hasty manner, without consulting his council, and the whole affair of the medals, and ribands, and what not, had created such surprise, that (as he had heard) when the proclamation came down to the council at Calcutta, they held up their hands, and asked, "What next?" Surely it was too much to see the Governor-general, within a few days after his arrival in India, leaving his council never to return up to the last mail, and carrying on all the business, without check and without any consultation with anybody, on his own responsibility solely. Considering the greatness of the affairs of India, he certainly required a drag. The noble

Lord had formerly talked of placing some one like a tame elephant between two wild ones; he now required a tame elephant himself. The steadiest man required advice in such a situation. Why was a council instituted at all? Was it not that the Governor-general might have access to the best advice? Then the delay of business at one time, and the haste with which business was done at another, arising from the absence, not only of the noble Lord, but of the other governors from their councils, was a serious grievance to the people of India. Something should be done to amend the Government of India. The Governor of Bombay, like the Governor-general, continued, for a considerable period of the year, away from his council. He was three-fourths of his time amongst the hills, away from the seat of Government, which caused great delay in the transaction of business. It was the same at Madras, where the Governor was absent three months in the year. That was a system which required a change. He blamed the directors, and he blamed the Houses of Parliament, on account of the act for regulating the Government of India, which was obviously defective and obviously erroneous, for it gave too much power to the Governor-general. He thought that there ought to be a change. At any rate, those to whom the directors assigned the management of affairs, ought to make them cognizant of what was going on. Did the directors know anything of the origin of this war. If they had known anything about it, would they not have risen up as one man to protest against it. He said, therefore, that there was much that required to be altered, not only in the conduct of the Governor-general of India, but in that of the Board of Control. He had thus stated wherein he agreed, and wherein he differed from his hon. Friends near him. He did not assent to the grounds upon which the motion of the right hon. Member for Northampton was founded; but if it would have the effect of removing the present Governor-general of India, he (Mr. Hume) would support it. He wanted the noble Lord (Lord Ellenborough) to be removed from a sphere of action where he might do much harm. At all events, if he were not removed we ought to prevent his doing further mischief, to prevent his further exposing himself, to be immediately sent down to his council and be made to consult with them before he committed himself to acts which were as ridiculous and preposterous in themselves as they were unworthy of the dignity and character of a representative of the might and power of this country. It had been asked if Lord Ellenborough were removed, who should be appointed to succeed him? He (Mr. Hume) would reply to the question by asking, could any one be appointed to the Government of India whose acts would exhibit less of wisdom, prudence, or general fitness to represent the dignity and character of this country? It was most true, as had been stated by the right hon. and learned Member for Edinburgh (Mr. Macaulay) that if there were one thing more than another to be observed in India it was this, that the language of the Governor-general upon all public occasions should be as direct and simple as possible, and that it should be perfectly free from the pompous and inflated phraseology of the East. This was necessary not only to maintain the character and dignity of the representative of British power in India, but requisite also to uphold the importance of the individual in the eyes even of the native population. He had seen letters from Englishmen, complaining as much as any from natives, of the sort of language which Lord Ellenborough had addressed to them. Upon the whole, he thought that the time had arrived when that noble Lord should be recalled, and with that feeling strongly impressed upon his mind, he should vote in support of the motion of the right hon. Gentleman the Member for Northampton.

Mr. *Williams Wynn* attempted with great difficulty to gain his feet. The Members who sat next him assisted him in the effort; but he was unable to accomplish it. There was a general cry of "Sit, sit," in the midst of which,

The *Chancellor of the Exchequer* rose, and moved that the right hon. Gentleman be allowed to speak sitting.

Leave accorded.

Mr. *Williams Wynn*, speaking from his seat, expressed his sense of the kindness of the House in allowing him to address it in that manner. He had now sat a great many years in Parliament, and if, during that time, he had learnt one lesson more than another, it was not to look at the exact words and terms of a motion, but to the object of it, and to the result likely to flow from it. The object of the present motion appeared to him to be not to obtain any opinion from the House as to whether the proclamation in question was or was not judicious, but to pass such a censure upon the conduct of the Governor-general of India as should make it necessary for him, as a man of honour,—although the Government of her Majesty might not think it imperative upon them to recal him—to resign his office. Upon that point, the hon. Gentleman (Mr. Hume), who had just spoken had expressed himself, as he (Mr. Wynn) thought, most correctly. The hon. Gentleman stated, that the covert object of the motion would be better and more practically ensured by a direct motion for an address to the Crown for the recal of Lord Ellenborough. And he must say, that if for the object of removing Lord Ellenborough, the hon. Member gave his vote in support of the motion of the right hon. Member for Northampton, the Ministerial side of the House had at least had the benefit of the hon. Member's speech, which, as far as the open and avowed object of the motion went, afforded a complete and conclusive answer to that motion. From the authority which the hon. Member (Mr. Hume) had quoted, the measure of Lord Ellenborough in respect to the gates of Somnauth appeared to be far more justifiable than it had seemed to be from any other statement that he (Mr. Wynn) had yet heard. He would fairly say, that the point upon which the conduct of Lord Ellenborough appeared to him originally to be most vulnerable, was the doubt as to whether it would not be deemed offensive to the Mahometan population of our possessions in India. He could never conceive that there was any thing in the proclamation offensive to the Christian religion. The parallel case which had been stated in the course of the debate, of the restoration of the pictures to the Roman Catholic churches, was a case, in all respects, as strong as the present, and yet it was one against which nobody ever breathed a word. He did not, of course, mean to say, that the Roman Catholic Church, and the idolatry of Hindooism, were to be viewed in the same light; but still it might be fairly argued, that if the English Government were justified in restoring objects of veneration to the Roman Catholic Church, for the pictures in Roman Catholic churches were, to a certain extent, objects of veneration, they would be equally justified in restoring an object of veneration, such as the gates of Somnauth, to the Hindoos of India. He did not think that the manner of the restoration—the pomp and circumstance by which it was attended—had anything to do with the religious part of the question. Supposing when the pictures were restored, that Rubens' "Descent from the Cross," a picture highly valuable, and held in the highest esteem by those to whom it originally belonged, had been directed to be carried back by a guard of honour, and with a parade of military pomp, men might have thought perhaps, that that was not the most judicious way of restoring it, but no one would have thought of saying, that it was degrading to our national character, or injurious to the Christian religion. He should in this case give his vote decidedly against the motion of the right hon. Gentleman the Member for Northampton, not because he meant to support the words of the proclamation, but because the object of the motion was to procure the recal of Lord Ellenborough. Lord Ellenborough arrived in India only about a year ago. He looked at what the position of affairs in India then was, and compared it with what it was at the present moment, and making that comparison, he could not feel it consistent with his duty to follow up the conduct of a Governor-general who had effected so beneficial a change, by a motion which must be looked upon as equivalent to a direct censure leading to his recal. The hon. Member for Montrose (Mr. Hume) had dwelt very much upon the circumstance of Lord Ellenborough's leaving his council, and going up the country alone. He perfectly agreed with the right hon. Gentleman, that that was not a thing to be done lightly, or upon common occasions; but when the nature of the contemplated measures for the evacuation of Affghanistan was considered, and when it was remembered how important it was to have some high authority upon the spot, who might sanction such steps as were necessary, and give orders for what was requisite without delay, he should think that this was exactly one of the cases in which it was desirable that the Governor-general should place himself near the scene of action, and thence issue his orders, and make known his determinations. Unquestionably, however, the system was one which should not be acted upon generally; and if it should appear that Lord Ellenborough had remained away from the seat of government longer than was necessary, he should think him blameable for so doing, and that it would be highly proper that he should be ordered to return to the seat of government as speedily as possible. He did not think, however, that such a period had elapsed in the present instance, as would properly call for the adoption of such a step. The vote that he (Mr. W. Wynn) gave upon the present occasion, would be given upon exactly the same ground as that which he had given upon a former evening in the course of the present session. If he had taken the motion of the hon. and learned Member for Bath (Mr. Roebuck) abstractedly, or had considered only its words, he certainly could not deny that the commencement of the war in Affghanistan was unjust, impolitic, and inexpedient; but what object was to be gained by the House making such a declaration? His right hon. Friend who sat near him stated one material reason, and one which the House ought not to pass by, why the motion of the hon. and learned Member for Bath could not be agreed to: it was this—that it would be impossible for the late government to make a defence for the measures which they had originated in India, without entering into an explanation of the grounds which they had, or thought they had, for apprehending hostile measures from Russia. That was an explanation that could not be entered into without material inconvenience to the public service. He looked also to the effect to be produced by the hon. and learned Member's motion. If the Governor-general, who had originally sanctioned the war, had still been in India—if the administration which had directed the war had still been in office, it would have been a perfectly legitimate ground to enter into the inquiry which the hon. and learned Member proposed, with the view of ascertaining whether the conduct of those who commenced and carried on the war, had been so censurable as should induce the House to address the Crown, either for their removal, or for a conclusion of the war. But the war being concluded, and those who originated it being no longer in power, he could not see any desirable object that could be attained by voting for the hon. and learned Member's motion. He was actuated by the same view and the same feeling in the present instance. He not only thought that nothing useful would result from the motion of the right hon. Member for Northampton, but that it would inflict a great injustice upon a nobleman who, in his opinion, had a high claim upon the gratitude of his country. The hon. Member for Montrose said, that he was prepared to vote for the motion, not because he assented to the grounds upon which it was rested, but because of certain private communications which he had received as to the feeling of the civil service in India, with respect to Lord Ellenborough. He was not prepared to support the motion upon such grounds; on the contrary, he should conceive it to be his duty to give it his decided opposition.

Mr. *Plumptre* said, he had given his hearty concurrence to the vote of thanks which was recently passed by that House to the Governor-general of India; but he considered that, in the issue of the proclamation to which such frequent reference had been made, Lord Ellenborough had been guilty, to use the mildest term, of an indiscretion. It might have been an inconsiderate act; and though he hoped that the noble Lord might long live to benefit the country by the great talents which he possessed, yet he hoped that he would take a lesson from what had passed to-night, and exhibit more caution in future. He was at a loss to determine whether this motion were brought forward as a mere party question, or from religious considerations. Certainly the hon. Gentleman who had introduced the subject, had not on any former occasion manifested his zeal on behalf of Christianity and against idolatry, though many opportunities had been afforded him of so doing. It was said that this could not be considered as a religious question, but he differed entirely from hon. Members who made that assertion. What were the facts of the case? The gates of an idol temple, which had been carried off by a hostile nation, were restored by the Governor-general of India, and the restoration was accompanied by circumstances of unusual parade and display. The attention of the people of India and of England had been directed to the fact; and several petitions had been presented to the House on the subject from various religious bodies. It had been said over and over again, that the progress of Christianity in India had been retarded by the conduct of the Christians themselves in that quarter of the world. If, in the present instance, the Governor-general did not trouble himself about the religious part of the question, it was at least his bounden duty not to do anything that should be injurious to the progress of Christianity, in the great empire entrusted to his rule. A noble Lord had said in another place, that a more pious Christian than Lord Ellenborough never existed. He had not sufficient knowledge of Lord Ellenborough to speak upon that point; but this he would say, that in proportion as a man was a pious Christian, would he be watchful and jealous to uphold the interests of the creed to which he was attached. With these feelings, and consistently with the votes which he had ever given in that House, he could not do otherwise than support the motion of the right hon. Member for Northamptonshire.

Sir *George Grey :* After the admirable speech of his right hon. and learned Friend the Member for Edinburgh (Mr. Macaulay), which had been left wholly unanswered, after the exposure of this proclamation, and the severe condemnation contained in that speech of the conduct of Lord Ellenborough in issuing such a proclamation, and after the total abandonment of that unfortunate document which had been exhibited in the speech of every hon. Gentleman who had spoken from the Ministerial side of the House, he should have felt it unnecessary to present himself at all to the attention of the House, if he had not been entrusted with various petitions from persons actuated by no party or political feeling, by persons professing various political opinions, and who entirely concurred in the sentiments just expressed with the sincerity which marked the whole Parliamentary conduct of his hon. Friend (Mr. Plumptre) who had just sat down, and who were unable, by any process of reason, to discover why this question could be considered as one destitute of religious interest and importance, and one that could not in any way affect the religious feeling of the people of this country. These petitioners had long endeavoured to impart the blessings of Christianity to their fellow-subjects in that important part of the British empire. They concurred in the principles laid down by the right hon. and learned Member for Edinburgh as to the course which it was the duty of the Government to take in respect to the diffusion of Christianity in India. They asked for no direct aid from the Government to enable them to carry out their endeavours for the advancement of Christianity in that region; but asking no aid from the Government, they did at least ask for its neutrality, did at least ask, that whilst it tolerated the idolatrous rites and ceremonies of the native population, it should not afford a direct countenance and encouragement to them, by acts which could not fail to lower at once the character of the Government and the interests of Christianity in the eyes of India and of the world. In those feelings he entirely concurred; and, therefore, anxious as he was not to say anything with regard to the general policy of Lord Ellenborough—the petitioners themselves desiring to express no opinion upon that policy—he still should not do justice to them if he did not state, that in the absence of any expression of disapproval or condemnatory of the noble Lord's conduct with respect to the gates of Somnauth upon the part of her Majesty's Ministers, the petitioners did look to that House as the only remaining organ through which they could express their disapprobation of the conduct of the Governor-general in this instance, and to separate this country from the guilt which they thought attached to the act he had committed. He knew that he might incur censure for introducing the subject of Christianity into the debate. The hon. Member for Beverley had particularly dwelt upon the impropriety and inconvenience of introducing that topic. He respected, as he was bound to do, any opinion coming from that hon. Member, but, at the same time, he must say, that he could not consent to the doctrine he laid down, that Christianity, of all the religions in the world, was that upon which the House of Commons was to maintain an absolute silence, and whilst he was anxious to carry the toleration of all religions to the utmost possible extent, he still felt that we were bound to see that no obstacle was thrown in the way of the introduction of Christianity into India by British authorities in that part of the empire. The petitioners, whose views he was now representing, stated that they viewed the proclamation of Lord Ellenborough with apprehension, because they conceived it would raise an obstacle to the beneficial working of the labours of the missionaries in India, by inducing a belief in the mind of the native population, that the Government of the country was indifferent to the religion which they (the missionaries) were seeking to introduce. He had no desire whatever to impute to Lord Ellenborough an intention to outrage the feelings of the Christian population, or to commit the Government to any of the obscene and abominable rites and ceremonies observed in the temple of Somnauth; and in acquitting the noble Lord of any intention upon that point, he must say, that the charge of indiscretion against him was fearfully increased. Those who came forward to defend the conduct of the noble Lord referred to the circular letter which, in the absence of the Bishop of Calcutta, he had addressed to the clergy of India, calling upon them to offer up thanks for the victory which had been achieved by the Anglo-Indian army, as a proof that the noble Lord could not have been indifferent to the interests of Christianity when he penned the proclamation relating to the gates of the temple of Somnauth. If, upon the present occasion, there had been a question as to the genuineness or authenticity of the documents, he (Sir G. Grey) should certainly have said, that the man who penned the circular letter to the clergy could not, by possibility, have penned the proclamation to the princes and chiefs. If there had been a doubt as to the authenticity of the documents, he should have said that Lord Ellenborough ought to have the benefit of that doubt, because it would appear to be utterly impossible that any man of ordinary sense could rise from the penning the one document, and afterwards sit down to pen the other. Lord Ellenborough did not appear to be insensible to the advantage of observing a perfect impartiality towards the different sects of religion in India; and it would seem that he carried his impartiality into effect by patronising each sect in its turn. The Indian press expressed the apprehensions which were entertained in India as well as in this country as to the effect which the noble Lord's proclamation was likely to have upon the Mahometan population; and since it was impossible that these apprehensions should not reach the ear of the Governor-general, it led one to fear that he might issue a Mahometan proclamation, assuring that portion of the Indian population of his desire to favour their rites and ceremonies, and to remove any apprehensions that might exist in their minds as to any undue favour being shown to the followers of Hindooism. An assurance had been given in a very high quarter of the noble Lord's impartial attention to the interests of Christianity in India. It appeared from a letter which Lord Ellenborough had addressed to a Member of her Majesty's Government, that he had the religious question distinctly before his eyes at the time he wrote his famous proclamation. They were told by a very high authority that Lord Ellenborough penned the proclamation himself (which nobody could doubt) with the greatest care—that he wrote it no less than three times over, reducing it at last (one would like to have seen the original draft) to a shape which, in his opinion (as he triumphantly states), would render it impossible even for the hon. Baronet the Member for the University of Oxford (Sir R. Inglis) to raise an objection to it. What was the House of Commons to think of the discretion of a man who wrote a general proclamation of this sort under the idea that he was making it in conformity with the views and opinions of a particular individual in this country. But the noble Lord was mistaken in the estimate he formed of his own production, for the hon. Baronet the Member for the University of Oxford, whose good opinion he supposed he had conciliated, was the very first to raise his voice in that House against the spirit which pervaded the proclamation, and the seeming sanction which it afforded to idolatrous rites of the most revolting character. The country was indebted to the hon. Baronet not only for the condemnation which he had passed upon the proclamation after it was written, but for the influence which it now appeared he had exercised upon Lord Ellenborough before the proclamation was reduced to the form in which it was ultimately given to the world. What had been the result of the proclamation? The whole Indian press, divided as it was upon questions of general policy, spoke as with one voice in condemnation of this extraordinary document. There was but one feeling in India as to the general result of it. It had nowhere been received with approbation; but in every quarter of the empire had been hailed, on the one hand, with feelings of scorn and ridicule, and on the other hand with a sense of deep shame and humiliation. These feelings were entitled to respect, and he was not ashamed that he so far agreed with them as to deprecate in the strongest manner any retrograde step in the course which of late years had been made towards a total separation of the British Government in

India from any overt act connected with the idolatrous worship of the native population. But they were told that the censure of that House ought to be reserved for more serious occasions. Now upon this point he differed from an hon. Friend of his who had said that this was a mere matter of taste, or distaste, with reference, as he termed it, to the rules of English criticism. But that was not the test by which he judged of this proclamation. A very different feeling had been engendered with regard to it, and he should have been happy, indeed, if the character of this country had not been connected with it. How was the House situated? A motion had been made for the production of this proclamation, and of any despatch from Lord Ellenborough in explanation of it. What was the answer of her Majesty's Government? The right hon. Baronet said that a copy of the proclamation had been received (thereby unhappily setting at rest the doubt that was entertained as to its existence), but that no despatch had accompanied it, though he had received a private letter from Lord Ellenborough. The right hon. Baronet himself, on a former occasion, hinted some disapprobation of that proclamation, and he led the House to believe that he had written a private letter to Lord Ellenborough, expressive of that disapprobation; but when a noble Lord subsequently applied certain terms of condemnation to it, those terms were emphatically rejected by the right hon. Baronet. Time had since elapsed, and no official disapprobation had been expressed of the course taken by Lord Ellenborough. It was in the absence of any such public reprobation on the part of the Government, of an act which had exposed the office of the Governor-general not only to ridicule and scorn, and which had been the laughing-stock of India, England, and all Europe—it was in the absence of the expression of any such opinion, that the House was now asked to express some opinion as to the character of that document. They were told that they ought to move at once for the recall of Lord Ellenborough. He would not say that there might not be grounds for such a proceeding; but, if it had been made, they would have been asked on what they grounded the motion, and they would have been told that since this proclamation the House had expressed its approbation of the Governor-general by a vote of thanks for his share in the recent military operations in India; and that they ought at all events to have asked the opinion of the House as to the character of the proclamation. He knew not what line the right hon. Baronet would take. If the right hon. Baronet were to condemn the style of the proclamation, that would not be enough. There ought to be a decided opinion expressed to disconnect the Government and the country from that document; and not to allow the inference to be drawn that it had received the silent acquiescence of the nation. There ought to be an official condemnation of the proclamation, and in default of having it from the Government, they ought to have it from the House of Commons.

Lord *Stanley* said, his motive for rising was, that he believed he saw a man who deserved well of his country, and who had performed great services by having converted a vast disaster into a mighty triumph, about to have a trifling charge made against him, founded upon an isolated act, and a single document; a man who merited the approbation was brought before them to receive the censure of the House, which had indeed recently bestowed its approbation on him for his great deeds; a man who had been subjected to every animadversion which all possible combinations and varieties of opinion collected together could bring to bear against him in order to make a political and partisan attack upon him, believing that he saw a combination of those who usually differ, to assail who was not there to defend himself; he could neither reconcile it to his private feelings of justice towards an absent man, nor to his political duty as a Minister of the Crown, to abstain from standing up in his place, and expressing the confident hope which he entertained that the House would not inflict upon itself the stigma of censuring the conduct of one to whom the country owed so much. There was no man who was more deeply sensible than he was of the firm religious belief and entire religious sincerity of the right hon. Gentleman who had just sat down; and if upon this occasion he said there were mustered a variety of opinions all verging into one point, and calling into question a single act of the Governor-general, he did not mean to cast upon the right hon. Gentleman the slightest imputation as to the sincerity and firm conviction of his mind that for the liberation of his own conscience, and for the expression of his own opinions, he was bound to express his dissent, upon religious grounds, from the proclamation issued by the Governor-general. If, in saying this of a political opponent, he could not by possibility be suspected of insincerity, in making the same declaration with regard to his hon. Friend behind him (Mr. Plumptre), no man could doubt that he highly respected his hon. Friend's motives, and he trusted, therefore, that the House of Commons would do him the justice to believe, that though taking a different view of the question from his hon. Friend and the right hon. Gentleman, he was not the less sensible to the truth and importance of Christianity, and to the consummation and strength which was given to the British power in India by a firm adherence to the Christian religion. He trusted he should never see the day when that House, either by act or expression, could indicate indifference to the maintenance of Christianity, or sanction in the public servants, any more than in the private lives of its members, any dissent from, or disregard of, the doctrines and discipline of Christianity, and of Christian morality. But it was because he could not see that attack upon Christianity, or that indifference and want of zeal for the Christian religion in connection with the proclamation of the Governor-general of India, that he deprecated this censure of well-meaning persons, whose warm interest in the cause of Christianity he fully admitted, and who were most anxious that its interests should not be compromised, but who he feared were blindly following in the wake of those who, for political purposes, were agitating this question. It might be a justifiable political artifice; but he must say, after the speeches he had heard to-night, and looking at the muster which he saw on the Opposition Benches, he could not but believe, that there was somewhat more than a zeal for the maintenance of Christianity in the present motion. He could not but think, that a strong political feeling was mixed up with this attack upon the Governor-general of India. He never recollected in his Parliamentary experience, which extended over a period of more than twenty years, in which such great events had occurred in India, as under the late and present Government, and been submitted for consideration, and, if he might so say, for the decision of Parliament, as had been presented to the House during the last three or four years. In that time they had lived quite an age with respect to the annals of India. He never recollected a time, too, in which two great parties, being opposed to each other upon political principle, that the party in opposition allowed themselves so determinedly and carefully to abstain from all the great features of the case, and fix upon some small, individual, and isolated point, in order to inflict, if they could lead the House to do it, that censure upon a political opponent for that small and isolated case which they would gladly see, but despaired to see, inflicted by the House upon the general conduct and policy of the Governor-general. What had they seen within the last few years? They had seen the British power in India shaken to its foundation, as was acknowledged by Lord Auckland. He declared, that the British arms in Affghanistan had suffered an irretrievable disaster. The House now heard nothing from the noble Lord the Member for Tiverton to gainsay that. Last year they heard from that noble Lord, that any Government would be deserving of impeachment who would venture to withdraw from that scene of triumph which his policy had achieved for the country; from that vast inlet which he had secured to our commerce, from that stable and advanced position in which he had placed the arms and power of this nation. "Why," said the noble Lord, "don't you raise that question now?" We have risked the impeachment; we have withdrawn from the noble Lord's advanced position; we have sacrificed the immense advantages which the noble Lord achieved; we have retired within the bounds of the Indus; we have restricted those wild day-dreams of universal dominion and universal power which seemed to possess the fancy of the noble Lord; and I now ask the noble Lord and hon. Gentlemen to come forward and tell me whether they intend to impeach us for the course we have pursued, and censure that condemnation which our policy has inflicted upon the policy of those who preceded us? You seek, you say, the recal of the Governor-general of India? Demand it boldly. Impeach the policy of the Governor-general, and together with his policy impeach the Government who support him, and the Court of Directors, by whom he has not been recalled. The right hon. Gentleman the Member for Edinburgh told us, that Lord Ellenborough ought to be recalled: he said it was his opinion, that he ought to be recalled. Ask the House of Commons to recal him. Ask for a vote of censure upon the Government that does not recal him. We challenge you. We ask you to set up your policy of invasion against our policy of withdrawal. We tell you we have abandoned the advantages you thought you had secured, and if you intend to maintain your own conduct impeach ours. On that ground we are ready to meet you: on that we take our stand. No; you take care not to assume that position. You come down, and pass a vote of thanks for the skill, and judgment, and energy with which the Governor-general ["no, no"]—the wisdom and ability—[" No, no,] the ability and the judgment." Well, I make you a present of the differences you have already thanked the Governor-general of India for the ability and judgment with which the resources of the British empire in India have been applied in support of the military operations." Oh! when you come to praise a political opponent, you are mighty chary of the terms you use. You weigh your words, you calculate your expressions, so that a breath should not turn the balance beyond that which, in the most niggardly application of the phrase, you are compelled to say; but, shrinking from the discussion of the whole policy of India—refusing discussion when the thanks of the House to the Governor-general, for the ability and judgment with which he applied the resources of India in promoting our military operations were voted, shrinking from this you say, " We cannot dispute your policy—we cannot controvert the wisdom of that course which upset the system we advocated, we cannot deny the ability with which the resources of India were applied." Applied for what purpose? To retrieve the disasters brought on by you; to rescue the captives left behind by you; to retrieve the honour of the British arms, which had been tarnished by you; to restore the courage of your Sepoy troops, which had been damped by the disasters sustained under you; to withdraw from an offensive war, feebly supported, and disastrously left unterminated by you. Into these topics you will not enter. The ability and judgment with which these operations were conducted, you do not deny; the policy you will not contest; but you find a proclamation, you find that in the hour of victory in the moment of success, language was addressed to those who had been dispirited by disaster, somewhat too boastful, somewhat too pompous for you; and you gladly pitch upon this isolated point in the policy of the Governor-general, because it will aid a political attack which you are afraid to make upon his general policy, and because, also, you hope to interest the no doubt honest—but I must be permitted to call them still, the prejudiced feelings of the religious portion of the British community on your side. Such is the history of this motion, of this second discussion upon this comparatively insignificant portion of the affairs of India. You tell us you think the Governor-general ought to be recalled; but you will not move for his recall. No: you propose to pass a censure upon him; you express the hope of seeing him again assisting in the councils of his Sovereign, and exerting his eloquence in the House of Lords. But how can you hope that he will either remain in India, administering the affairs of that great continent, the magnitude of which charge has not been exaggerated by the right hon. Gentleman, how can you hope he will remain there, or return and take his place in the council of his Sovereign, or aid in the council of the country in the House of Lords, under the stigma of that censure which you propose should be passed upon him by the very House of Commons which recently voted to him their thanks for those military operations by which, under his influence and direction, the British power in India had been saved. I do not stand here to advocate the taste or style of the proclamation which have been made the subject of discussion. I do not concur with my hon. Friend who has addressed the House in a most able and merited vindication of the Governor-general, that in point of taste and of style, it is a sufficient vindication for the language to say that it is in the style which is addressed to eastern nations, and that the proclamation is couched more in eastern than in English phraseology. I agree with the right hon. Gentleman (Mr. Macaulay) that a great portion of the influence which we possess in India arises from the opinion there entertained of our superior knowledge, ability and power. I do not think it judicious for a public man in India or elsewhere to endeavour to depart from that tone of open, plain, simple, frank dealing which is the characteristic of an English statesman in the composition of state papers, and to endeavour to accommodate his language to the tone and habits of the people whom he is addressing. I think the contrast would be more likely to produce a beneficial effect than an attempt at imitation. I think he who abandons his own style, either in speaking or writing, and endeavours to adapt it to the tastes and habits of others, loses all the advantages and merit of his own frank mode of expression, and yet does not acquire those artificial ornaments which distinguish the style he proposes to imitate. Therefore, speaking frankly, I do not approve of the language of the proclamation, but I do say, that to pass over the great merits of Lord Ellenborough, and to fix upon the style and language of a single document as a ground for calling upon the House to pass a vote of censure, is a piece of great injustice and ingratitude. There is however, a still greater question remainining behind. Did Lord Ellenborough, in this proclamation in any manner, express or imply indifference to the promotion of the Christian religion? Did the noble Lord introduce the question of Christianity at all, or use language calculated to promote animosities between the Mahometans and Hindoos, which, it is most desirable the Governors-general in India should studiously abstain from raising; on the contrary, they should endeavour to put them down. After the most critical examination of this proclamation I will say that there is not one expression in it (although there are undoubtedly some words which are capable of being perverted and misinterpreted by men having strong pre-conceived opinions upon the question) but there is not one word which shows any indifference to Christianity, and least of all, any, the remotest disposition to countenance the atrocious and indecent rites of the Hindoo idolatry, or to create any animosities between the professors of the different religions which prevail in India. Not only, therefore, is it made clear that the Governor-general was not indifferent to religious feeling, but, further than this, it is I think evident that he steadily and carefully endeavoured to avoid anything which ingenuity could pervert into indifference to it. The right hon. Gentleman has told us that he has received, to-day, a copy of the orders of the Governor-general, who speaks of " the trophies of successful war, so long the memorial of humiliation, now become the proudest record of national glory. In every single instance, Sir, the Governor-general speaks of this trophy as the trophy, not of a religious, but of a military, triumph. He tells the princes of India—not the Hindoo princes—but the princes and chiefs, Mussulman or Hindoo, Budhists or Sikhs—he tells them not of trophies to be presented to them as a religious relic, but as " a memorial of honour"—as " a trophy of successful war"—as a memorial of the subjection, not of the " Mussulmans," but of the " Affghans;" the Affghan conqueror being one whose memory Hindoos and Mussulmans have for the last 800 years regarded with pretty similar feelings ["Oh, oh!"]—yes, regarded, I say, with similar feelings, for if you knew his history you could not fail to know this —that two at least of the invasions of that mighty conqueror were invasions of the great Mussulman city of Delhi. But even the hon. Gentleman the Member for Guildford has told you to-night, that however you may try to pervert the meaning of this proclamation in India, the idea of making it a religious question is regarded as quite absurd. Throughout, the whole affair has been treated in India merely as a military matter. The restoration of the gates of Somnauth has merely been regarded as the bringing a trophy of success from Affghanistan—as restoring to its original position that which has been regarded for 800 years as a pledge of conquest by the now conquered enemy. That trophy has been recovered—it has been brought back to India by an Indian army, acting under British orders, and the Governor-general in bringing it back proclaims the relic to be, not a sacred relic, but a trophy of successful war. " Oh, but," says the right hon. Gentleman, " he sent it back to Somnauth!" Why, where should he send it? To what place should the trophy be carried but to the place whence it was taken? But, says the right hon. Member for Edinburgh, the Governor-general speaks of the " restored" temple of Somnauth, and I can't acquit him—the whole affair is like the blood on Blue Beard's key, when it is rubbed off one place it appears on another, and when it is cleared off that, it reappears on a third, and in fact the key can't be scoured at all—" and I can't," says the right hon. Gentleman, " I can't acquit him, for he is in this dilemma—either he didn't know what was the decayed state of the temple of Somnauth, or else he did know it, and intended to restore the temple to all its pristine glory." Now, that there was any intention on the part of the Governor-general to restore this temple—there being, be it remembered, no worshippers—the temple itself being despoiled—its very gates, mind this, having formed a part of a tomb, and being, therefore, so defiled that no Hindoo would ever think of taking part in any religious worship within its walls; that the Governor-general ever intended to restore a temple under such circumstances is really supposing too much, even for a "dilemma," setting aside altogether that such a supposition is so strongly opposed to reason and to common sense. Why, Sir, the very absurdity of the supposition that it was ever intended to restore a temple that was so defiled that no one would enter it overthrows the whole of this ridiculous assumption, and makes it clear that the Governor-general acted, as I believe most people believe he acted, and as I am sure all India understands him to have acted, from very different motives than those imputed to him by the Gentlemen on the other side. Sir, a warning has been given us by the right hon. Gentleman opposite as to the danger of exciting feelings of animosity and conflicts on religious matters. I think that before the right hon. Gentleman brought forward this question he ought to have been able to adduce, not merely the prophecies of the press of India—the most licentious press, be it remembered, almost of any part of the world—but I think he should have been able to show that bad effects had been produced, that there was more than jealousy, that the proclamation had been considered an insult, and that it had been taken up by the Hindoos as a religious and not as a merely military matter. Sir, he has shown nothing of the kind; he has told you nothing of the sort; but I will not tell you, that should this House sanction such an impression, the feeling will not arise, and that too soon. When you tell the people of India that the proclamation was so meant by the Governor-general that it is so construed by the House of Commons and by the people of England, not on the Governor-general but upon your heads or on mine will rest the responsibility, and I warn you, that these feelings and animosities once excited in India, an internal discord will inevitably ensue, even more dangerous to your stability and power than those disasters from which the courage and decision of the Governor-general ["Oh, oh!"]—ay, the courage and decision of the Governor-general and the valour of the troops have only so lately rescued you. Sir, the right hon. Gentleman tells us that he looks at the style of this document, and that he unhesitatingly declares any one who could publish such a proclamation with official sanction to be unfitted for the cares of empire. It may be so; but there have been great men—men, too, pre-eminently fitted for the rulership of empires, the style of whose composition would, perhaps, scarcely stand the test of the right hon. Gentleman's criticism. I remember to have seen—even in later times than the French revolution—bulletins of a General of France, certainly not altogether models of style, but yet the bulletins of one admitted to be pre-eminently fitted for empire. You may institute comparisons—you may cast odious reflections—you may talk of "styles"—but when I find that even all the rancour of party animosity cannot fix on anything against the Governor-general of India more important than the language of this proclamation which is taunted for its "style"—then I tell you that the House of Commons will be guilty of base ingratitude, if, consenting to express no opinion on his general policy, it obliterates all the past services the Governor-general has performed, and renders him incapable of doing further service to his country, by loading him, in addition to all the other heavy cares which rest upon his shoulders, with the still heavier burthen of the censure of the British Parliament.

Viscount *Palmerston:* Sir, The noble Lord, in the course of his speech found it necessary to express something bordering on apprehension at the muster on this side of the House. But if any feelings of apprehension or doubt have crossed his mind, I suspect they have arisen not so much from what the noble Lord has seen on this side, as from what he has reason to think is going on on the benches behind him. It is not so much, I suspect, our

"Fervida dicta"

that have frightened him, as the

"—— Dii, et Jupiter hostis."

Indeed, Sir, I may safely say this—that I never remember such unanimity of opinion in this House, on any subject that ever came before it for discussion, as I have witnessed to-night on this question of Lord Ellenborough's proclamation. No one

Member has ventured to defend it. They have not even ventured to "damn it with faint praise." It has been abandoned frankly and at once, and without a single attempt to defend either the prudence or the seemliness of the production. The noble Lord, it is true, has gallantly endeavoured to practise an old and well-known manœuvre in military tactics; he has tried to carry the war into the enemy's camp—to draw away the attention of the House from the subject of debate, and to direct it to the general question of the policy of one Government as compared to that of another—but this manœuvre, Sir, will fail. The House will consider the question which is really at issue. Upon those other questions of general policy we are prepared to maintain our ground. I am perfectly ready to defend and justify the policy we pursued; and if the right hon. Gentlemen opposite will only allow the House to come to a division on this question on its own merits, we shall be prepared to meet them on any other day, and then to discuss those other questions which are not properly the subject of this debate. The noble Lord has taunted me with having, as he says, abandoned the opinions on these Indian affairs which I expressed last year. I have abandoned no opinion. I said then that the retreat or flight which Lord Ellenborough was said to have ordered, and which it is now proved by the papers on the Table that he did order, would be disgraceful and disastrous. I say I stated last year that if Lord Ellenborough had issued that order, which I then inquired about of the right hon. Baronet, a flight under such circumstances would be disgraceful to the country. Was I alone in that opinion? Why, it turns out that it was the opinion of the Government itself. They thought such a retreat would be disgraceful, and, although it had actually been ordered by the Governor-general, they sent out instructions to countermand it. Those instructions, it is true, did not reach the Governor-general until in consequence of the refusal of his Generals to retreat he had himself permitted them to advance; but, nevertheless, the Government now pride themselves on the success of the policy which they had tardily ordered, and which I told them last year was the only policy they could safely adopt; and though last year they affected to treat my advice as impracticable, the noble Lord has this evening been lavishing praises on Lord Ellenborough in consequence of successes and triumphs gained by our armies re-entering Affghanistan. With regard to the policy of Lord Auckland, it is perfectly true that, as appears from the papers before the House, he did not intend to re-enter Affghanistan; and most properly, in my opinion, was his decision taken. What was Lord Auckland's position? He was daily expecting the arrival of his successor, and he had also reason to think at that time that our reverses were even more disastrous than they really were. He had grounds for believing that we had been driven out of Candahar as well as out of Cabul. What, then, was clearly Lord Auckland's course? Why, to provide ample means to enable his successor to take whatever course he and the new Government at home might decide to adopt; and he would have greatly violated his duty if, on the eve of his supercession by a new Governor-general of opposite politics to himself, he had taken any step which would have fettered the hands of that successor, or have committed him to any line of policy which he might not spontaneously have chosen to pursue. But, then, when we are told of these great exploits performed by Lord Ellenborough, really with that Blue Book in our hands, it is wonderful to me that the noble Lord should hazard such an assertion. The military means—I mean the troops collected by Lord Auckland secured the victory, and the merit Lord Ellenborough has in the matter is this—first, that he allowed himself to be overruled by the remonstrance of his generals, who would not retreat when a retreat was ordered, and next that he made, what I admit to be very laudable, exertions in getting together camels and other means of transport for the army. But, for all that Lord Ellenborough has been thanked. The noble Lord tells us that we fix upon one objectionable proclamation, and forget all the good Lord Ellenborough has accomplished. Why, we have already thanked him for the good he has done; and even-handed justice requires that having thanked him for the little "good" we should now proceed to express our opinion of the very great amount of "bad," which he has done. But I am told, forsooth, that it is not consistent with the honourable feelings of English gentlemen that we should make this attack. He is an absent man: we are to wait 'till he comes back. Why, good God, Sir, if we wait for his return—if we are always to delay till a Governor-general has concluded his career, we may indeed punish him for misdeeds in time past and therefore irreparable, but we shall never be able to stop a vain, rash, and inconsiderate man in pursuing his career of folly and mischief. That argument, then, goes for nothing. That he is not here to defend himself necessarily arrises from the circumstances of things. If we wish to express our opinion of Lord Ellenborough, in order to check his rashness, we must of necessity do so in his absence, for he is employed in a country on the other side of the globe. Now, Sir, we object to the proclamation on the ground that its language is altogether unworthy and unbecoming a great public functionary; my right hon. Friend beside me compared it to some of the bulletins of the earlier part of the French Revolution—in which he slightly erred, as the noble Lord opposite has shown. It does not appear to have been taken from the bulletins of so early a period. It is rather from the bulletins of Bonaparte, who certainly was, as the noble Lord says, pre-eminently fitted for the government of empires. Napoleon, says the noble Lord, was able to command large bodies of men, and rule the destinies of millions; and, therefore, we ought not to blame Lord Ellenborough for imitating his example. We have heard of those who thought that by holding their heads on one side they would be thought wise as Aristotle, or that by stuttering they could rival Demosthenes. If Lord Ellenborough wished to rival the genius of Napoleon, I think he might have found a better subject for his imitation than his bulletins, which excited the ridicule of all sensible men. It is said that this proclamation has nothing to do with religion. That it has had something to do with it, in the opinion of religious men in this country, is a matter of fact which no one will deny; but I contend that it had to do with religion, in this respect—that it was a direct encouragement to those who professed one kind of religion in India, and that it at the same time tended to give offence to those who profess another kind, namely, to the Mahometan population of that country. The noble Lord has argued that the bringing away the gates of Somnauth it was nothing but a military display; but that it had a religious tendency, we have the testimony and authority of Lord Ellenborough himself to show; for a noble Friend of his has this evening stated in another place the substance of a private letter he received from Lord Ellenborough, from which it appears that Lord Ellenborough was so conscious that the proclamation was calculated to give offence to persons who felt sensibly on religious matters, that he took the pains of writing it over three several times, in order to render it, as he conceived, inoffensive in that point of view. How far he succeeded we have had ample proof, while the very fact of his having bestowed so much labour to so little purpose shows how little he understands the feelings of the people of this country. The noble Lord has endeavoured to demonstrate the innocence of this proclamation by what is mathematically termed a *reductio ad absurdum.* He laboured with much ingenuity, and I must say with some degree of success, to show that this proclamation was, from first to last, absolutely and intrinsically absurd; for that what it directed to be done was impracticable, that there was no such temple now in existance as the temple of Somnauth; and that, even if there were such a temple, the gates by having been attached to a Mahometan tomb had undergone a desecration which would render it impossible for them to be replaced in that temple. The noble Lord has therefore shown that Lord Ellenborough was professing in this proclamation to do things which were absolutely impossible, and he has also shown that nothing could exceed the complete absurdity of the conception of the whole affair. The noble Lord has shown you that Lord Ellenborough was perfectly ignorant of the condition of the temple, and that even if there had been an effort made to accomplish his purpose as set forth in this proclamation, it could not have succeeded, in consequence of the desecration of the gates. The noble Lord has therefore shown you that the proclamation was wholly unworthy of a person holding the situation of Governor-general of India. If Lord Ellenborough was aware, as it has been stated, that he was, that this measure of his was likely to give great umbrage to a portion of the people of this country, he must also have been aware, that any measure specifically tending to give encouragement to Hindoo superstition must be calculated to give great offence to the Mahometan population of India. In his despatch to Sir J. Nicholls, of the 15th of March, 1841, he mentions, as one of the circumstances that rendered the state of Affghanistan in his opinion hopeless, that the war had assumed not only a national but a religious character. It was upon that ground that he said it had become hopeless to maintain any longer our position in Affghanistan; and yet the step which he himself took was calculated to create religious hostility eastward of the Indus, and to excite amongst the Mahometans within our dominions, and who even formed part of our troops, feelings of dissatisfaction and disgust, which, if they did not immediately break out, would become the seeds of a future dangerous disaffection. I say, then, that no ground has been laid why this House should not express that opinion which appears to have been unanimously felt—that this proclamation was unwise and indecorous; and if it were so, it must, in a Governor-general, be reprehensible. It is in vain to tell us that Lord Ellenborough has in other respects, during the short period of his administration, deserved so well of the country, that we ought to pass over his faults and think only of his merits. I say, that his services have been next to nothing—that they consist chiefly in his having employed those military means which his predecessor had provided—which, he had not himself the courage to employ, but which other men had the courage to advise him to employ, and which he employed against his own inclination. His merit therefore in the transactions which have taken place in Affghanistan, is next to nothing, while by this proclamation, which the noble Lord has characterised as boastful, he has proved his unfitness for so responsible a situation. I think it is essential that the House should notice this. I think that when a proclamation of this sort, proving the individual who issued it to be devoid of those feelings which ought to guide a person intrusted with so important a charge, is brought under the notice of the House, it would not only show a want of courage on the part of the House, but an abandonment of our duty as the representatives of the people, if we were to shrink from expressing that opinion which all of us entertain, however much some of us may wish that it should not be expressed. It is said, that if this motion should pass, Lord Ellenborough must be recalled, and that if that is what is meant by it, we ought to vote at once for his recall. I am not at all sure if this motion pass, that he will be recalled, I suspect, that if he is to be recalled at all, he has been recalled already, and if he is not recalled by this time, I am sure that the vote of this night will not tend to his being so. I shall certainly not myself be deterred, whatever opinion the House may form from the considerations submitted to it of the fitness or unfitness of Lord Ellenborough for the important trust which has been committed to his care—I shall not be deterred from joining in this vote by any apprehension of what the result of that vote may be in regard to the duration of Lord Ellenborough's Government of India. That is not a consideration which ought to guide or influence the House. The House is called upon to determine whether it is fitting to pass unnoticed and uncensured the conduct of a man holding the situation of Governor-general who has shown such a want of discretion and such a want of knowledge, of the feelings, both of India, and of Europe, and who has proved himself so devoid of those proper considerations and regards that ought to guide the conduct of a Governor-general. I trust the House will agree to the vote, and by doing so at least prevent Lord Ellenborough for the future, if he is to continue to rule over our Indian empire, from again committing such follies. But even if that vote should have the effect of bringing him home, however inconvenient his return might be in some quarters, I think that so far as the interests of India are concerned, they will be in less danger from his speeches in Parliament than from his measures as Governor-general of India.

Sir *Robert Peel:* The terms of the resolution and the character of this debate must have convinced the House that the insinuations indulged in by some hon. Gentlemen the other night, when I opposed the motion of the hon. and learned Member for Bath, that there was some compromise between the Government and Gentlemen on the opposite side of the House, are entirely unfounded. I should consider I had acted most basely and dishonourably if I had been a party to any such compromise. I gave my vote against that motion, because, after having had the opportunity for four years of challenging the conduct of the late Government when it was a Government, I thought it would be contrary to all precedent that I should bring the influence of a new Government to bear upon those who no longer held office. I thought also that disclosures might take place which would not be for the public benefit, and on that ground too I opposed the motion. But I will not claim from any one Member his vote on the present occasion as compensation for the assistance, if assistance it was, which I gave in opposing the motion of the hon. Member for Bath. Let the present motion stand upon distinct grounds, and let hon. Gentlemen at this side of the House believe that they will never find me disposed to enter into any such disgraceful compact as was insinuated. The noble Lord says,—

> "Dispose of this motion, and then we will come forward and challenge inquiry into the general conduct and policy of Lord Ellenborough."

I remember very well, when in Ireland many years ago, hearing of rather a strange occurrence which took place in the Court of Common Pleas in that country. During the progress of a case which occupied the attention of the Court—the late Lord Norbury was on the bench—two learned counsel, differing very much from the general character of their countrymen, which is one of kindness and urbanity, continued abusing each other after a very violent fashion for a considerable time, evidently looking to and expecting the interference of the Judge. "Gentlemen," said Lord Norbury, "take care—be upon your guard; the Court will not interfere!" From that moment the two combatants ceased to abuse each other. I can tell the noble Lord, if he do not take care, that I will not interfere—I tell him, if he complains of injustice when his friends again assail him for his conduct, I will, when he is called upon to come forward in vindication of his conduct—retire from this House, and leave him to fight the battle for himself. The noble Lord may depend upon it that I will not render him any assistance more serviceable than that of his friend Shah Soojah; but that if he too peremptorily compels an inquiry, he shall not say that I, by my presence, have subjected him to any injustice or any imputation. The noble Lord entered into an elaborate vindication of Lord Auckland. If he challenges inquiry, I will tell him on what terms I require a vindication; but the noble Lord made a slight slip—and slight slips sometimes unwittingly indicate the real workings of the conscience. The noble Lord asserted, that if Lord Auckland did contemplate retiring from Affghanistan, that such a course on the part of the Governor-general would have been disgraceful in the extreme; and then recollecting himself, informed us that he meant not Lord Auckland but Lord Ellenborough. The noble Lord defended his Governor-general, and I am about to prove that Lord Auckland required all his defence. True, the noble Lord says, that Lord Auckland did meditate a retirement; that he was about to leave India; and that he, therefore, did nothing but collect a large force for his successor. What a defence for a Governor-general! Suspend his operations for four months, in so critical a position of affairs. What, on such a question as the relief of Jellalabad, was the Governor-general to suspend all operations for four months? and all this that he might not embarrass his successor. What an imputation upon a Governor-general. But I can prove that the defence of Lord Auckland, set forth by the noble Lord, is utterly unfounded. While the noble Lord, in a boastful tone, repeated the question, "Who was the man who meditated the retirement from Affghanistan?" I could have told him, but I said no more, because I was afraid of compromising the British troops and British interests. I had then in my possession a letter from Lord Auckland, his own Governor-general, showing that he was the author of the retirement. On the 3rd of December, 1841, Lord Auckland writes, and compare this with the speech made by the noble Lord last year, and about the close of the Session, when in the same boastful tone, which he would now reprehend, he asked me, and in a taunting manner, "What man first contemplated retreat from Affghanistan?" I will read the passages of that letter, and it will be proved that Lord Auckland intended to retire from Affghanistan, because he knew that our position was no longer tenable. The Governor-general said that it was in vain to speculate upon the issue of the contest. He did not know all our disasters, he only knew of the murder of Sir W. M'Naghten and Sir Alexander Burnes. He was not aware of the extent of the calamities by which 17,000 British subjects met an ignoble and a disgraceful death. How can the noble Lord charge with disgrace any Governor-general for contemplating retreat from Affghanistan? He was then in possession of this very letter—from which I will now read a passage—which will go to show that the noble Lord's defence of his Governor-general, for contemplating the retreat in order that he might leave unfettered the hands of his successor—is without foundation. Why did Lord Auckland want to retreat from Affghanistan? On the 3rd of December, 1841, Lord Auckland says,—

> "These accounts exhibit a most unfavourable state of affairs at Cabul, but they do not lead us to alter the views and intentions which were stated in our yesterday's despatch."

You will observe that the noble Lord had an impression as to the state of things in Affghanistan. Lord Auckland says,—

> "That it would be vain to speculate upon the issue of the contest at Cabul; but in the extreme event of the military possession of that city, and the surrounding territory, having been entirely lost, it is not our intention to direct new and extensive operations for the re-establishment of our supremacy throughout Affghanistan."

Now mark the following passage, and mind that the present Governor-general has now been taunted with cowardice, for what the late Governor-general here deems a public duty, the retirement from Affghanistan. In another passage of that letter, the late Governor-general says:—

> "We can scarcely contemplate in such case, that there will be any circumstances or political objects of sufficient weight to induce us to desire to retain possession of the remainder of that country, and, unless such shall be obvious as arising from the course of events, we should wish our military and political officers so to shape their proceedings as will best promote the end of retiring with the least possible discredit. Of course it will be desirable that this retirement shall be deliberate, and the result of arrangements that will leave some political influence in the country."

Such was the state to which the policy of the noble Lord had reduced us. And what, in such a state of things, was the greatest hope of the Governor-general? That he "might retire with the least possible discredit;" and, "of course, it would be desirable that this retirement should be deliberate, and the result of arrangements that will leave some political influence in the country." But the great object of the Governor-general was the retirement, and to bring back that native army of which the gallant spirit of Nott said, that he would undertake with 1,000 Sepoys to counterbalance 5,000 Affghans. This was the state to which the policy of the noble Lord had reduced us. The greatest hope of the late Governor-general was to retire with the least possible discredit:—

> "Quos opimus
> Fallere et effugere est triumphus."

Lord Auckland had sent the original directions to Major-general Pollock as to the situation of the force; and then, on the 19th February, having since heard of the misfortune at the Khyber Pass, he thus writes to the secret council:—

> "Since we have heard of the misfortunes in the Khyber Pass, and have become convinced that with the difficulties at present opposed to us, and in the actual state of our preparations, we could not expect, at least in this year, to maintain a position in the Jellalabad districts for any effective purpose, we have made our directions in regard to withdrawal from Jellalabad clear and positive, and we shall rejoice to learn that Major-general Pollock will have anticipated these more express orders by confining his efforts to the same object."

That letter was written within one week of the arrival of Lord Ellenborough in India—that letter shows that the relief of Jellalabad was abandoned — that letter shows that Lord Auckland did not, during the year 1842, contemplate the effectual and efficient restoration of our position in Affghanistan. I ask the House whether I have not proved that the noble Lord's defence of Lord Auckland has not failed? And if Lord Auckland did not contemplate a return to Affghanistan, is it not too much to blame Lord Ellenborough for the retirement? Lord Ellenborough, acting upon a full sense of his public duty, thought that the safety of the British arms required the abandonment of Affghanistan. The noble Lord opposite denies that the whole triumph of a Governor-general's policy is to be set or ought to be set against any individual act. Have the noble Lords never had to deal with a Governor-general of whose individual acts they have disproved? Did the Earl of Durham never issue a proclamation of the policy of which noble Lords opposite had reason to doubt? Did the noble Lord think it fair at that time towards Lord Durham, whose general conduct he approved, to select an individual act in order to condemn and degrade the Governor-general, whose acts, upon the whole, he believed to be beneficial? No. The noble Lord then held a different language—he then spoke in terms of truth and justice with respect to their own Governor-general. See how the position of a man alters his views? The noble Lord said in August, 1838,—

"When the time comes, I shall be prepared —not, indeed, to say that the terms or words of the ordinances passed by the Earl of Durham are altogether to be justified—but I shall be prepared to say, that looking at the conduct of the Earl of Durham as a whole—that, believing him to be animated by the deepest zeal for the welfare of his country—believing this, I shall be ready to take part with him—I shall be ready to bear my share of any responsibility which is to be incurred in these difficult circumstances.*

Then the consideration was not to be restricted to the particular act; but when acting under great difficulties, and with the greatest zeal for the welfare of the country, the general conduct was to be set off against the particular act, and the noble Lord remonstrated against the injustice and iniquity of bringing disgrace upon a man for a particular act, when his general policy was approved. And the noble Lord then laid down this principle —a principle applicable to all times and to all circumstances—the noble Lord in the same speech observed,—

"I do think that no invective—that no sophistry—that no accumulation of circumstances —that no bitterness of sarcasm, accompanied by professions of friendship, and thereby attempting to disguise, but not, in fact, disguising, the petty and personal feelings which are at the bottom of all these attacks, will in the least degree affect the noble Lord against whom they have been levelled, but that he will have deserved well of his country, well of his Sovereign, and well of posterity."

Let these general principles then prevail even among those who, seeing the general tenour of Lord Ellenborough's conduct, have held him to be entitled to the respect and to the acknowledgment of public gratitude which you have given him for contributing to relieve this country from the disasters which had befallen it—let the consideration of his general conduct prevail even amongst those who question the policy of the individual act. The noble Lord opposite (Lord Palmerston) says, we ought to confine ourselves to the views contained in this particular proclamation. I protest against being fettered by any such narrow restrictions. The policy of that proclamation depends upon the circumstances in which Lord Ellenborough was placed. And what were those circumstances? The moment he set foot in Madras what intelligence met him till the day he arrived at Benares, what a succession of events took place, calculated to disturb the firmest mind, and to infuse apprehensions into the breast of the boldest man. It has been said the cry in England was, "What next?" That was a question which Lord Ellenborough had to put to himself for four or five days after his arrival. He lands at Madras on the 15th of February, presuming at the time that his predecessor had secured the admirable position so frequently spoken of in Affghanistan. He lands at Madras, after a four months' voyage, in necessary ignorance of all that had occurred in that interval of time, and to his astonishment he hears of the insurrection at Cabul. He receives tidings that Sir William M'Naghten and Sir Alexander Burnes, the envoy and representative of the British Government, had been murdered; that the city was in a state of insurrection, and that doubts were entertained as to the security of the British army. What next? He arrives at Calcutta, and there hears of the orders of his predecessor to hasten the evacuation of Affghanistan, for the noble reason of inflicting as little discredit as possible upon the British power. He repairs to Benares, and there he hears the tremendous news that not only you had lost power in Affghanistan, but that you had so depressed the spirits and shaken the confidence of the native army, that General Pollock gives this melancholy account in a letter to Colonel M'Gregor:—

"It must, no doubt, appear to you and Sale most extraordinary that, with the force I have here, I do not at once move on; God knows it has been my anxious wish to do so, but I have been helpless. I came on a-head to Peshawur, to arrange for an advance, but was saluted with a report of 1,900 sick, and a bad feeling among the sepoys. I visited the hospitals, and endeavoured to encourage by talking to them; but they had no heart. I hoped that when the time came they would go. On the 1st instant the feeling on the part of the sepoys broke out, and I had the mortification of knowing that the Hindoos, of four out of five native corps, refused to advance. I immediately took measures to sift the evil, and gradually a reaction has taken place, in the belief that I will wait for reinforcements; this has caused me the utmost anxiety on your account—your situation is never out of my thoughts; but having told you what I have, you and Sale will see at once that necessity has kept me here. I have sent five expresses to hurry on the first division of the next brigade; it consists of the third dragoons, a troop of horse artillery, first light cavalry, the 33rd native infantry, and two companies of 6th native infantry, all fresh and without taint. I verily believe, if I were to attempt to move on now, without the reinforcement, that the four regiments implicated would as far as the Hindoos are concerned, stand fast. Pray, therefore, tell me without the least reserve the latest day you can hold out. If I could, I would tell you the day when I expect the reinforcements, but I cannot. I may, however, I believe with safety, say, that they will arrive by the end of this month. The case, therefore, now stands thus—whether I am to attempt, with my present materials, to advance, and risk the appearance of disaffection or cowardice, which, in such a case, could not again be got over, or wait the arrival of a reinforcement, which will make all sure—this is the real state of the case; if I attempted now, I might risk you altogether; but if you can hold out, the reinforcements would make your relief as certain as any earthly thing can be."

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* Hansard, vol. xliv., Third Series, p. 1228.

And what next? On the 17th of April he hears of the failure of General England to force the Kojuc Pass. On the 18th of April he hears that Ghuznee has fallen. The question which Lord Ellenborough must have put to himself was, what next? My noble Friend had to contemplate the retirement from Affghanistan. He thought taking a comprehensive view of the matter, that our permanent interests required the withdrawal. After the decisive proof that the King which we had set up had taken no root in the affections of the Affghan country, after he found that the army which we had sent to Affghanistan was separated from its supplies by a distance of 600 miles, Lord Ellenborough then thought that it was not prudent to proceed further, that we must awaken from our dreams of visionary conquests, and that we must place the British troops within the borders of British India. That, however, was a difficult task. It is not Lord Ellenborough who was responsible for the consequences of this state of things, it is those who invaded the country who ought to bear the responsibility. If you think that the policy of the abandonment of Affghanistan was ignoble, I challenge you to the discussion. Do not bring an indirect charge; come to the discussion, whether, under the circumstances in which Lord Ellenborough was placed, it was or was not wise in him to abandon Affghanistan. If you think that it was not, bring it to the vote, and we, who cordially approve, and who have stated our approval of this proceeding, will be ready to defend it. That policy—the evacuation of Affghanistan was liable to misconstruction in India. It had been our policy to advance, and in general never to retire; there are few instances in India in which we have advanced and then retired. England, however, was at that time engaged in a war with China. All Europe was contemplating—some with hope, all with anxiety—the result of that struggle. By the retention of Affghanistan, the world, in India and in Europe might think that we retained our power: the abandonment required more moral courage than the occupation; but, above all, it was necessary that in British India there should be no doubt as to the policy of retirement, and that man who had the boldness to adopt it, if the policy were wise was deserving of all credit, and ought to receive it. And what course did Lord Ellenborough take to remove any erroneous impression on the minds of the Hindoos. It was difficult to say to them that Shah Soojah was not able to retain his hold over the Affghan people when they beheld his advance to Cabul, surrounded, as they were told, by his own troops. They were not aware of the private treaty with Shah Soojah, that he was to be upheld by British arms, and it was necessary to disabuse the Indian mind as to the policy of the retirement. What did Lord Ellenborough do? He found that there were military trophies in the possession of the Affghans, which he thought it desirable for the sake of the public mind to bring back. The whole of his letters considered them only as military trophies. In his first letter to General Nott, he orders him to secure these as trophies of the success of the war, and in his letter to the chiefs and princes of India he does not treat them as religious relics, but as trophies of war, and as such only did he regard them. You may not consider these trophies of victory—to you the gates of Somnauth may not have the character which rendered them valuable in the eyes of the descendants of the conquered troops of Hindostan. You have different prejudices—different associations from the people of this distant country. You almost adored, while they yet existed, the tapestried walls of the House of Lords, adorned with the memorials of an attempted invasion of your country, and you treasured them as proud records of your national glory. You hang up in the temples of the God whom you worship the flags which you have taken from your enemies—trophies seized in the midst of blood and carnage, and in the moment of victory, and you have not thought them unworthy to ornament your sacred edifices.

Respect then, the prejudices of men inferior to you in civilization. Remember how much religion is interwoven in all their political institutions—in all their civil acts. You have had this close connection described to you in eloquent and forcible language by the right hon. Gentleman the Member for Edinburgh, and this is a subject of which he has a perfect knowledge. He says, there is not an act of the life of the Hindoo which is not connected with their religious worship. Their food, their mode of dressing their food, their dress, all the political and moral institutions of their condition, are connected with their religion; and that being so, is it possible to view trophies of this kind, taken from them 800 years since, as being unconnected with their religion, which is so interwoven with all their social and political acts? They value these relics not because the possession of them shows the superiority of their form of religious worship—not because they are proofs of the former prowess of Mussulman as opposed to Hindoos; but because they were the records—the disgraceful records to them—of Affghan power as compared with Hindoo power; and Mussulman and Gentoos have an equal right to be proud, not in a religious, but in a military and civil point of view, of the reacquirement of the trophies of defeat. Therefore it is that this act, which you now condemn—this taking of these spoils from Ghuznee—was adopted by Lord Ellenborough, as a means, and for the purpose, of reconciling the people of British India to the abandonment of Affghan, and giving them some consolation in their disappointment in seeing, for the first time, the British arms retire, not dishonoured or disgraced, but on considerations of policy. That was the ground on which I apprehend that Lord Ellenborough issued that proclamation. You may find fault with the terms of it. As I have already said, if it were not sufficiently guarded to prevent the possibility of mistake, on the part of the Mahometan population, I most deeply regret it, and I concur with those who think that though the act of taking the gates of Somnauth was perfectly justifiable, the expressions which accompanied that act might have been spared. But is it not a very different thing to make this admission with respect to a man, of whose conduct, so far as his motives are concerned, I entirely approve. Is there not, I say, a difference between making an exception in an individual case, and dooming the man to disgrace by the act of this very House of Commons which not many days since agreed to a vote of thanks to the same individual? It is impossible, I think, for the hon. Member for Montrose to vote for this motion. He says, that he conceives that the impression that this act can be construed into a reverence for Hindoo worship is erroneous. The resolution which is proposed, implies that it is subject to that construction. The hon. Gentleman has made by far the most powerful speech in demonstration of the policy of this act, and that has been made to night, and he has quoted the expressions of a native Indian, who says,—

> "This cannot be considered as being done in deference to our religious ceremonies, but will be felt by the natives of British India as a great compliment, removing from their minds the impression of their ancient disgrace by the Affghan power."

Why, if that is the opinion of the hon. Member, and that the manly course to take is to vote at once for the recall of Lord Ellenborough, let him not attack that policy which he supports, by giving his assent to this resolution which he has shown to be unjust. Hon. Gentlemen have said, and I have no doubt that they are sincere, that they are influenced by religious feelings; by their zeal and respect for Christianity; and I am sure that I have heard expressions of this sort from some hon. Members, on whose sincerity I would not throw a doubt for one moment, for I am perfectly certain that they are sincere. But this question is to be decided by great numbers—by powerful parties in this House; and depend on it that the judgment of posterity will be passed on the event of this night. They will compare the attacks of last Session—they will compare the motion, preliminary as it is to the votes of money for the public service—they will remember the declaration of the right hon. Gentleman the Member for Edinburgh, that the greatest disaster that ever befel the British arms, was that which occurred in Affghanistan—I say they will compare these things with the result, and they will see that in the course of the year these disasters have been repaired—that those very sepoys, whom General Pollock was afraid to lead to Jellalabad, and who, he thought, could not be persuaded to advance further, had been e-assured by the superior care and attention of Lord Ellenborough. I say that posterity will see these things,—they will find the unanimous vote of thanks which was come to by this House to that man for the ability and judgment with which he prepared the resources by which this disaster was repaired, and then they will say, that never did popular assembly commit so gross an act of iniquity and injustice as that which you will commit, if after having given that unanimous vote, you compel Lord Ellenborough to retire with disgrace from the Government of British India. "He may retire," you say, "to the councils of his Sovereign." Is that your notion of the position which a public man fills! After being disgraced by the vote of the House of Commons for misconduct in India, is he to come back and administer the affairs of India at the Board of Control, and preside at home over those matters which you say he misconducted there? Do you believe that any man of common spirit, if you pass this vote, whatever the inclination of her Majesty's Government may be—and the noble Lord says the Government will protect him—will do so? It is uncharitable and ungenerous. Depend upon it, if the Government were inclined to protect him subject to this disgrace, his own heart and mind would tell him that there was no other course than to retire and mourn over this injustice of a popular assembly. If you believe that religious feeling compels you to give this note, give it. But to those who are not influenced by such considerations, I say, vaunt not of religious feelings when you are influenced by political motives. Say what you please of the conduct of Lord Ellenborough in respect to this proclamation, and about his having lowered the character of the Christian religion, ten times more fatal will be the blow which you will strike against the purity and integrity of the faith you profess, if being insincere, you clothe your party hostility against Lord Ellenborough in the garb of piety and religion.

Lord *J. Russell*: That I should refrain altogether from taking any part in this debate, after the line which the right hon. Baronet has taken, is, I think, impossible. Had there been no other question remaining than the proclamation, respecting which a motion has been brought before the House by my right hon. Friend, I should have considered it entirely superfluous to add one word to the demonstration made by those who have spoken against this proclamation, and still more to the admissions made by those who have appeared to defend that proclamation; indeed it appears as if by common consent, that there was but one opinion of this proclamation, that it is unwise, that it is indecorous, and that being so unwise and indecorous, it is reprehensible. But the right hon. Baronet, taking another ground —I must say not a different ground from that of the noble Lord the Secretary of State, maintains that however unwise, however indecorous, however reprehensible this particular act may be, the other merits of the Governor-general prevent the House of Commons from coming to any vote which can be considered to be a censure on him. In alluding to what has been stated, I must say, first, with regard to the defence set up by the noble Lord the Secretary of State, who says that Lord Ellenborough has withdrawn from all the territory which was occupied by Lord Auckland —that he has given up all advantages which are alleged to have been secured by the late Governor-general and the Government under which he acted—that he is not well founded in that statement. One of the objects of Lord Auckland previous to the causes which led to the invasion of Affghanistan, was to secure the navigation of the Indus. For that purpose he made agreements by which the heavy and burdensome tolls imposed by the Sikhs and the Ameers of Scinde were to be reduced, and the commerce of the Indus thus be made free, but with respect to the security of that object, it was necessary to enter into treaties, and we were told the other day that Lord Ellenborough insists on the completion of those treaties. If we may believe the public papers, not only does Lord Ellenborough insist on the execution of the treaties, but he insists, further, on the cession of territory to the west of the Indus. Now, if these treaties and the cession of territory are necessary to the free navigation of the Indus, and if by those means a great benefit will be conferred, as well on the native population of India, as on the people of this country, who thereby have the means of extending their operations in trade, I say that is Lord Auckland's work, and therefore it is not true, as the noble Lord says, that all which the late Governor-general projected has been abandoned. Lord Ellenborough may say that the advantages in question are the result of his acts; but history will contradict him. Dates will prove that the arrangements on this subject were made by Lord Auckland, and Lord Ellenborough will not be able to wrest from my noble Friend the merit of having obtained these peaceful commercial advantages for the people of India and of England. The noble Lord and the right hon. Baronet have thrown out a challenge to us, on the subject of the withdrawal of the British power from Affghanistan. The noble Lord seems very anxious that we should undertake the censure of that policy, and says, that he is prepared to defend it against our assaults. The noble Lord is of a most pugnacious temper; but I confess I am not disposed to gratify him in his desire. I was inclined to think, before I read the papers on the Table of the House, and since I have perused them that inclination of my mind has grown into conviction, that the withdrawal of our troops from Affghanistan was a wise measure. I therefore find myself unable to gratify the noble Lord by proposing any censure upon that policy. If I were to censure that policy, I should, at the same time, be censuring Lord Auckland for the resolution to which he came to withdraw from Affghanistan. But though I approve of the policy of withdrawing from Affghanistan, I need hardly say that I do not disapprove of the policy which led us to enter that country. On a former evening my noble Friend and I stated the reasons which induced us to think that the policy which led to the invasion of Affghanistan was justified on grounds of justice and expediency; but I am of opinion, that after our disasters at Cabul, and considering the hostility of the tribes in Affghanistan, and, considering, also, the waste of the resources in India, it was wise to withdraw our armies from Affghanistan. If, however, the noble Lord means to say, as has been more than once insinuated in the course of this discussion, that the disaster at Cabul was owing to the original policy of entering the country—that it was inseparable from that policy—that we could not enter Affghanistan without producing disasters in extent equal, and in character similar to that which occurred, I utterly deny it. I have heard causes assigned on high authority for the disasters which befel us. I have heard it said that great errors were committed, and that those errors consisted partly in not keeping up the line of communication by the straightest road between Cabul and Peshawur, and partly in our not having a military commander of supreme authority at Cabul. Those may have been important errors, but they were not necessarily, nor, indeed, in any way connected with the policy of our entering Affghanistan. I will mention another circumstance which is worthy of consideration. The expedition to Affghanistan was undertaken by Lord Keane; he retired, and was succeeded by Sir Willoughby Cotton, who did not remain a very long time, before he likewise came home. Sir W. Cotton was succeeded by General Elphinstone, who, from the time of assuming the command, appears never to have been in that state of vigorous health, which the difficulties of the command required. Are not these circumstances to be taken into account? If Lord Auckland had had at his disposal any one of the illustrious men who have reflected honour on British arms in latter days—if such a man as Lord Keane had remained in command at Cabul from the time of his first arrival there, it is my persuasion that we never should have heard of the disasters which befel us. Yet the attempt has been made—and never so directly as on this night—to contend that our disasters at Cabul were the inevitable result of the invasion of Affghanistan. The noble Lord contends, that the policy of Lord Ellenborough has been so meritorious—so brilliant—as to compensate any error he may have committed, and the noble Lord pressed the argument, founded upon the vote of thanks to the Governor-general on a former evening, further than was warranted by what took place on that occasion. The thanks of the House were given to the Governor-general for the ability and judgment with which the resources of India were applied in aid of the military operations. When the vote of thanks was proposed, the right hon. Baronet endeavoured to prove, and succeeded, that he had exercised great activity, and showed considerable judgment in forwarding camels and every sort of supply for the army in Affghanistan. The right hon. Baronet argued likewise—and I do not deny the validity of the argument—that although Lord Ellenborough on the 19th of April issued a peremptory order for the abandonment of Affghanistan, before the honour of our arms had been retrieved or the prisoners recovered, yet that, under the circumstances, it was a justifiable act. That was all that passed on the occasion of the vote of thanks—that was the utmost extent to which the right hon. Baronet then went; but now we are told, that we have thanked Lord Ellenborough for the ability with which he carried on the war, and retrieved our disasters. Thus challenged, I must say, that although I am ready to consider with all fairness the orders issued by the Governor-general on arriving in India in such difficult circumstances, and receiving intelligence of such great disasters, and would be slow to blame him for any particular order which he gave with respect to the troops: yet, nevertheless, when a claim is made in Lord Ellenborough's behalf, to the merit of a superintending direction, which, in fact, he did not exercise, I cannot, in justice to General Nott and General Pollock consent to tear the laurels from their brows, in order to transfer them to the Governor-general. Lord Ellenborough issued what may be a justifiable, but, at all events, was a peremptory order for the troops to retreat by the straight road without going to Cabul, without going to Ghuznee, and without the recapture of the prisoners. I am not blaming that order. I would not remark upon it, had not Lord Ellenborough's Friends claimed for him credit to which he is not entitled. What if that order had been obeyed? What if Generals Nott and Pollock had immediately fulfilled the directions which they received, there would have been no occasion for a vote of thanks to Lord Ellenborough and our gallant troops. But these Generals declined immediate retreat. It seems there were some difficulties in the way; they were without camels and provisions, and there was no water in the valley through which General Pollock had to retreat. In short, every kind of obstacle presented itself to oppose the fulfilment of Lord Ellenborough's directions. At last, after the Generals' disobedience had continued for a considerable time, Lord Ellenborough gave them permission to advance, and then, though I admit, that Lord Ellenborough had furnished the armies with considerable means for that object, yet, somehow or other, all obstacles seem at once to be removed—wonderful activity was displayed—all the departments were actuated with zeal, and every difficulty vanished which opposed our brave troops in the progress of their successful operations. The right hon. Baronet said, that when Lord Ellenborough arrived and issued his orders he infused new spirit into the sepoys; but, for my own part, I think that the whole credit of that circumstance was due to the military commanders. It was the admirable orders and spirit of General Nott, at Candahar, that restored the courage of the troops, and re-inspired them with confidence in the British power. I believe it was General Pollock, and the officers immediately connected with him, who restored the spirit of the troops under his command, and not any letters which the Governor-general may have been pleased to write. And what was the nature of this permission to advance? Was his order of this nature—that the means of advance had been provided—that the army had been reinforced, and that ample stores had been secured, so that it would be safe to advance? and he desires, unless the gallant General saw some serious impediments, that he was to proceed to Ghuznee and Cabul. Was this, I ask, the spirit of Lord Ellenborough's permission to advance? Far from it. In his letter of July the 4th, he says:—

> "Nothing has occurred to induce me to change my first opinion, that the measure commanded by considerations of political and military prudence, is to bring back the armies now in Affghanistan at the earliest period at which their retirement can be effected, consistently with the health and efficiency of the troops, into positions wherein they may have easy and certain communication with India, and to this extent the instructions you have received remained unaltered. But the improved position of your army, with sufficient means of carriage for as large a force as it is necessary to move in Affghanistan, induces me now to leave to your option the line by which you shall withdraw your troops from that country. I must desire, however, that, in forming your decision upon this important question, you will attend to the following considerations. In the directions of Quetta and Sukkur there is no enemy to oppose you; at each place, occupied by detachments, you will find provisions; and, probably, as you descend the passes, you will have increased means of carriage. The operation is one admitting of no doubt as to its success."

Now, after reading these passages, I ask what would be the conduct of a cautious general, only anxious to secure the good opinion of his superiors? I think he would have retired after he had read this communication of the Governor-general, that there was no doubt of his success. He then passes on in this letter to the view of the difficulties, and thus proceeds:—

"If you determine upon moving upon Ghuznee, Cabul, and Jellalabad, you will require, for the transport of provisions, a much larger amount of carriage; and you will be practically without communications, from the time of your leaving Candahar. Dependent entirely upon the courage of your army, and upon your own ability in directing it, I should not have any doubt as to the success of the operation; but whether you will be able to obtain provisions for your troops, during the whole march, and forage for your animals, may be a matter of reasonable doubt. Yet upon this your success will turn. You must remember that it was not the superior courage of the Affghans, but want, and the inclemency of the season, which led to the destruction of the army at Cabul; and you must feel as I do, that the loss of another army, from whatever cause it might arise, might be fatal to our Government in India. I do not undervalue the aid which our Government in India would receive from the successful execution by your army of a march through Ghuznee and Cabul, over the scenes of our late disasters. I know all the effect which it would have upon the minds of our soldiers, of our allies, of our enemies in Asia, and of our countrymen, and of all foreign nations in Europe. It is an object of just ambition, which no one more than myself would rejoice to see effected; but I see that failure in the attempt is certain and irretrievable ruin; and I would endeavour to inspire you with the necessary caution, and make you feel that, great as are the objects to be obtained by success, the risk is great also."

The remainder of the letter is in the same temper, and the advice of the Governor-general in it was to the effect, that the troops were to retire by the nearest route, and if the general could advance to Ghuznee and Cabul, he had permission certainly to do so, but if he did so, and any ill-success attended him, and a great number of his troops were lost, the consequences must fall upon himself. The order of the Governor-general was that he might advance if he pleased. Instead of taking the bold and decisive line which General Nott took, he might withdraw at once, but if he pursued the former course, which General Nott did, and any calamity had followed, attended with serious loss, the Governor-general could have pointed to this order as an order to withdraw, and he could refer to it to show that he was not to be blamed for the misfortunes that had followed the advance. If such was the meaning of this letter: and if General Nott, without giving any reasons or apologies for advancing, did so, then to General Nott and to General Pollock be all the glory of the proceeding, and the reputation, the satisfaction of feeling that it was acknowledged that they had retrieved the honour of the army. Do not endeavour to bolster up the mischievous and improvident act of the Governor-general at the expence of these distinguished military officers. Such is my opinion as to the difficulties in which the right hon. Gentleman is placed by the acts of the Governor-general, that I impute no blame to him for much that has been said. I say I admit the difficulty of his situation as pointed out by the right hon. Baronet; but I cannot allow that the decision of the House on this act should be decided on an entirely different question. But I go further, and say that I do not agree that the present merits of Lord Ellenborough's Administration in India justifies and excuses him for his conduct respecting these gates. I still think, with the impression on my mind that the other proclamations of Lord Ellenborough were not such as to entitle him to praise, I cannot allow this excuse to prevail. Without detaining the House by reading any of the parts of the proclamation which is the subject of the present discussion, I cannot help remarking on two passages of certainly a very remarkable nature. It is clear to my mind from the passages in this paper, that notwithstanding the successes of the army, and the great praise which has been bestowed on the Governor-general, that he has entirely lost that balance of mind, and that discretion, which a man intrusted with the government of India should possess. After the paragraphs of the proclamation which commenced "My brothers and friends," he proceeds towards the latter part of it to say,

> "For myself, identified with you in interest and feeling, I regard with all your own enthusiasm the high achievements of that heroic army, reflecting alike immortal honour upon my nation and upon my adopted country. To preserve and improve the happy union of our two countries, necessary as it is to the welfare of both, is the constant object of my thoughts."

I do not know what is the sense that the noble Lord attached to the expression "adopted country." I can understand a person going out to settle in India or elsewhere, with the intention of passing the remainder of his life there, making use of such a term; but I am utterly at a loss to understand what can be the meaning of such an expression coming from a person in the situation of the Governor-general of India—a person undoubtedly in a high and exalted situation, but who the Court of Directors can recal at any time they please. It is evident that Lord Ellenborough is entirely mistaken as to his position in India, for he must imagine that he is placed somewhat in the position of the present King of Sweden, and that he is to remain in his present office for the entire period of his life. The other passage to which I wish to refer is the last one in this proclamation, and a most extraordinary passage it is:—

> "May that good Providence, which has hitherto so manifestly protected me, still extend to me its favour, that I may so use the power now entrusted to my hands, so as to advance your prosperity and secure your happiness, by placing the union of our two countries upon foundations which may render it eternal."

Now, Sir, I say that a man in the situation which Lord Ellenborough holds, who entertained a proper sense of the nature and importance of his station, would consider this subject with very different feelings from those I have expressed. I do not find any instances of persons of the highest rank, and who have held the most important stations in this nation, resorting to such expressions. I have never found an instance of a Sovereign of this country having used such language. It is impossible not to admit the singular blessings which Providence has bestowed on this nation. I say, we must all most devoutly and gratefully admit this; we also must admit that both in the East and in the West this has been effected by the most singular revolution of affairs, and that it often happened that those circumstances which in their first appearance foreboded nothing but mischief, have been turned, under the blessing of Providence, into the most signal advantages to this nation. Nothing seemed more dreadful than the circumstance of sending from Africa, across the Atlantic, large numbers of our fellow-creatures, crowded in slave ships, and exposed to all kinds of horrors on their voyage, and to the most painful slavery afterwards; but by the working of wise and religious men, under the superintendence of Providence, we find that the African race in our West Indian Islands have been advanced to a state of civilization far surpassing anything to be met with in the parts of Africa from which they came; and I hope and believe that these may become the means of advancing and spreading the blessings of civilization and religion over that great portion of the world from which they originally came. In looking to the East, our career has been of a singular character. In the first instance, the conquerors who went out from this country to the East, were cruel extortioners and oppressors of the natives; and even this House felt itself called upon in a remarkable instance to mark in a most serious manner the sense it entertained of their conduct, but I believe that—in more recent times, I believe that such has been the government of this country in India, that the millions of natives forming that vast empire, are now under a rule, both as regards the administration of justice—as regards their being in possession of civil rights—as regards the security of person and property—and as regards the progress of knowledge; and finally, I hope, of true religion, which they never could have been in before their conquest. These two facts which I have thus quoted, appear to me to be very remarkable instances of national crimes of the most serious dye, being afterwards turned into the means of blessing those who were in the first instance the victims of them. But when I consider the conduct of this Governor-general, thus assuming to himself that he is the person for whom all this was brought about, and taking upon himself also to assume the merit of that to himself which belonged to the system, and to the wisdom and blessing of Providence, I am utterly astonished at the presumptuous arrogance and self-sufficiency of this man. If you should determine on removing Lord Ellenborough, the country would be relieved from great difficulty, and India from great peril. Had we moved a general condemnation, you would have asked us to point the finger at some special act worthy of condemnation. We have pointed out an act, not probably the worst, but that which is most offensive to the people of this country, and most immediately dangerous to India. We require you to pronounce your opinion on that act. If you agree with us, you must express your censure of his conduct. If, on the contrary, you think him a wise, prudent, and humble administrator of the great power entrusted to him, then you will acquit him of all censure and vote against the motion.

The House divided: Ayes 157; Noes 242: Majority 85.

List of the AYES.

Aldam, W.	Archbold, R.

Arundel and Surrey, Earl of
Ashley, Lord
Bannerman, A.
Barclay, D.
Baring, rt. hon. F. T.
Barron, Sir H. W.
Berkeley, hon. C.
Berkeley, hon. H. F.
Bernal, R.
Blackstone, W. S.
Blake, M. J.
Blake, Sir V.
Bowring, Dr.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, C.
Buller, E.
Busfeild, W.
Byng, G.
Byng, rt. hon. G. S.
Campbell, Alex.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Childers, J. W.
Christie, W. D.
Clay, Sir W.
Clive, E. B.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Dawson, hon. T. V.
Denison, W. J.
D'Eyncourt, rt. hn. C. T.
Dickinson, F. H.
Divett, E.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Easthope, Sir J.
Ebrington, Visct.
Ellice, E.
Ellis, W.
Esmonde, Sir T.
Evans, W.
Ewart, W.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Forster, M.
Fox, C. R.
Gill, T.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hastie, A.
Hatton, Capt. V.
Hay, Sir A. L.

Hayter, W. G.
Heneage, E.
Hindley, C.
Hollond, R.
Horsman, E.
Howard, hn. C. W. G.
Howard, hon. J. K.
Howard, Lord
Howard, hon. H.
Howard, Sir R.
Howick, Visct.
Hume, J.
Hutt, W.
Inglis, Sir R. H.
James, W.
Johnston, Alex.
Labouchere, rt. hn. H.
Langston, J. H.
Layard, Capt.
Leader, J. T.
Lemon, Sir C.
Listowel, Earl of
Macaulay, rt. hn. T. B.
Mc. Taggart, Sir J.
Mangles, R. D.
Majoribanks, S.
Marshall, W.
Martin, J.
Maule, rt. hon. F.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, J.
O'Brien, W. S.
O'Conor, Don
Ogle, S. C. H.
Ord, W.
Oswald, J.
Paget, Col.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Philips, G. R.
Philipps, Sir R. B. P.
Philips, M.
Phillpotts, J.
Plumptre, J. P.
Plumridge, Capt.
Ponsonby, hn. C. F. A. C.
Ponsonby, hon. J. G.
Protheroe, E.
Ramsbottom, J.
Ricardo, J. L.
Rice, E. R.
Rose, rt. hon. Sir G.
Ross, D. R.
Russell, Lord J.
Russell, Lord E.
Scholefield, J.
Scrope, G. P.
Shelborne, Earl of
Smith, B.
Smith, rt. hon. R. V.
Stansfield, W. R. C.

Stanton, W. H.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Tollemache, J.
Towneley, J.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Walker, R.

Wall, C. B.
Ward, H. G.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Wood, B.
Wood, C.
Wood, G. W.
Worsley, Lord

TELLERS.
Hill, Lord M.
Tufnell, H.

List of the NOES.

Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Balfour, J. M.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, R.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Bernard, Visct.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Boyd, J.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buller, Sir J. Y.
Bunbury, T.
Burroughes, H. N.
Campbell, Sir H.
Castlereagh, Visct.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Codrington, Sir W.
Collett, W. R.

Colquhoun, J. C.
Colvile, C. R.
Corry, rt. hon. H.
Cresswell, B.
Cripps, W.
Damer, hon. Col.
Davies, D. A. S.
Denison, E. B.
Dick, Q.
Disraeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marq. of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. A.
Duncombe, hon. O.
East, J. B.
Eastnor, Visct.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fielden, W.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzmaurice, hon. W.
Fitzroy, Capt.
Flower, Sir J.
Forbes, W.
Fox, S. L.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Grant, Sir A. C.

Greenall, P.
Gregory, W. H.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Heneage, G. H. W.
Henley, J. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Houldsworth, T.
Hughes, W. B.
Hussey, T.
Ingestre, Visct.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Johnstone, Sir J.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knight, F. W.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lawson, A.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lopes, Sir R.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, W. F.
Maclean, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Marton, G.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meynell, Capt.
Miles, P. W. S.
Mordaunt, Sir J.
Morgan, O.
Morgan, C.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neville, R.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
Pakington, J. S.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel J.
Pemberton, T.
Pollington, Visct.
Powell, Col.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hn. R. C.
Seymour, Sir H. B.
Shirley, E. J.
Smith, A.
Smythe, hon. G.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, hon. F. J.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Vernon, G. H.
Vivian, J. E.
Waddington, H. S.
Wellesley, Lord C.
Whitmore, T. C.
Williams, T. P.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Wynn, rt. hn. C. W. W.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

House adjourned at ten minutes to two o'clock.

HOUSE OF LORDS,

Friday, March 10, 1843.

MINUTES.] BILLS. *Public.—Reported.*—Justices of Peace (Ireland).

PETITIONS PRESENTED. By Earl Beauchamp, from Great Malvern, for Church Extension.—By Lord Brougham, from Robert Richard Arntz, for Altering the Law with regard to Aliens.—By the Marquess of Lansdowne, from Rugby, against Lord Ellenborough's Proclamation.—By Lord Bandon, from the Innoshannan Dispensary District, against the Medical Charities (Ireland) Bill.—By the Bishop of Chichester, from Chichester in favour of Founding a Bishopric of Manchester, and from, Chichester, Brighton and Lewes, against the Union of the Sees of St. Asaph and Bangor.

RETURNS OF GOLD AND SILVER.] Lord *Ashburton* having moved for certain papers connected with the importation of the precious metals,

Lord *Monteagle* called the attention of the House to a subject he thought ought to be inquired into. In consequence of certain antiquated prejudices which had formerly existed, the Custom-house authorities never furnished returns of the exact amount of gold and silver imported. There was no ground for the continuance of this custom, and such papers would be valuable in a statistical point of view.

Their Lordships adjourned.

HOUSE OF COMMONS,

Saturday, March 11, 1843.

MINUTES.] BILLS. *Private.*—1°. Manchester Corporation; Wexford Harbour; Bannbridge Roads; Fordington Inclosure; Piel Pier; Glasgow, Paisley and Greenock Railway; Hungerford and Lambeth Suspension Foot Bridge; Bolton Waterworks; Belmont Reservoir.

2°. Great Gransden Inclosure; Cockermouth Roads; Clarence Railway; Chepstow Water; Bercot and Oxford Navigation; Bolton Gas.

Reported.—Lancaster and Preston Junction Railway; Nottingham Lighting; Warwick and Leamington Union Railway; Hull and Selby Railway.

PETITIONS PRESENTED. By Colonel Rushbrooke, from Hepworth, against any further Grant to Maynooth College.—By Sir G. Strickland, from Preston, and from William Brown, for the Total and immediate Repeal of the Corn and Provision Laws.—From Wells, Fordingbridge, Aberffraw, Huntingdon, and Birkenhead, against the Union of the Sees of St. Asaph and Bangor.—From Wigan, Taunton Birkenhead, and Middlewich, against the Ecclesiastical Courts' Bill.—From the Deaneries of Pawlett, Ilchester, Merston, Frome and Cary, for Church Extension.—From Leeds, against Lord Ellenborough's Proclamation.—From Samuel Gordon, against the Officers of the Irish Chancery Court.—From Alloa Colliery, against the Mines and Collieries Act.

THE DROPPED ORDERS.—ECCLESIASTICAL COURTS.] Sir *James Graham*, in fixing the Dropped Order for the committee on the Registration of Voters Bill for Monday next, felt that some explanation was due to the hon. and learned Member for Chester, with regard to the not making a House on the previous evening, as that hon. and learned Member had, as he (Sir J. Graham) understood, at considerable inconvenience to himself, come up from the circuit, for the purpose of taking part in the discussion on the Ecclesiastical Courts Bill, which had been fixed for the preceding evening. It would be recollected, that the House had been engaged to a late hour on Tuesday and Wednesday, in the discussion of the Scotch Church question, and on Thursday, also, the House had sat very late; under these circumstances, he believed, that there was a general feeling among hon. Members on all sides, that there should be no House on Friday night. ["No, no!"] He could not fix the second reading of the Ecclesiastical Courts Bill for Monday, because the hon. Member for Oxford University, who was opposed to the measure, and was very desirous of taking a part in that discussion, would not be able to be in his place on that Day. He would, therefore, fix the Registration of Voters Bill as the first general order for Monday.

Mr. *Jervis* hoped the Ecclesiastical Courts Bill would be postponed until after the circuits were over, as it was desirable Members of the legal profession should be present during the discussion. He had remained in town until Monday last, at great inconvenience; he had then been informed by the right hon. and learned Member for Cardiff (Mr. Nicholl) that the second reading of the bill was positively fixed for Friday, and he had accordingly posted up from Montgomeryshire, in order to be present. There were, last evening, upwards of thirty Members in the library, and many more were in the lobby, he was, therefore, much surprised to find that there was no House, and that at four o'clock there was only one Member of the Government present. Had the right hon. Baronet been in the House yesterday afternoon, and had he explained to those Gentlemen who usually supported the Government the nature of the agreement entered into with him (Mr. Jervis), he had no doubt but that they would at once have come in, so as to have made a House, and that the discussion could have proceeded. He hoped the bill would now be postponed until the circuits were over.

Colonel *Sibthorp* had also remained in town on Monday, at great inconvenience, to oppose both the bills—the Registration of Voters Bill, as well as the Ecclesiastical Courts Bill. He had, much as he hated railroads, left town at railroad speed, in order to attend the assizes in Lincolnshire, and had returned again by railroad, at the risk of his neck, to attend in his place yesterday to oppose both these bills. The Members of the present Government used constantly to be finding fault with the late Government for postponing measures; he should, therefore, like to know why the Members of the present Government had not been in their places yesterday? The House and the country had a right to know where they were, in order to ascertain whether they had not been passing their time in places where it was improper for such Gentlemen to be. They received the country's money, and the country had a right to ascertain whether that money was spent in an improper manner. He believed, that with regard to the Doctors' Commons job, it had been the intention to take the country entirely by surprise. Let the House have a fair, honourable, and undisguised declaration from the right hon. Baronet, as to when he would bring this measure forward. He had found, that all parties in the city of Lincoln were as strongly opposed as he was to this greedy, dirty, Doctors' Commons job.

Mr. *C. Buller* did not wish to lay too much stress upon the importance of the attendance of Members of the legal profession in that House; but there was a class of bills in respect to which it was most desirable that the House should have the assistance of the Members of the bar; and he thought, that neither the Ecclesiastical Courts Bill, nor such a bill as that for the registration of voters, should be discussed in their absence upon circuit. By discussing such measures in their absence, the House deprived itself of a large store of very valuable experience. He could not but observe, that the Government had frequently fallen into this practice, and had brought in bills connected with legal matters at the time that the circuits were going on. They allowed, last Session, three important bills to lie for months upon the Table, and then brought them forward at the end of the Session, just before the commencement of the summer circuit. The two bills now referred to by the right hon. Baronet (Sir James Graham) had been some time upon the Table, and had been allowed to remain there until now, when the circuits had commenced. He did not say, that the bills were put off designedly, in order that they should be discussed in the absence of the Members of the common-law bar, who had seats in that House; but whilst it was easy to bring them on before the circuits, it had been managed that they should not come on until the circuits had commenced. The bills were not such as the common-law bar could have any interest in, beyond a wish to give the House the assistance of their experience in the discussion of measures upon the working of which they had more practical knowledge than any other set of men. He could not well understand how the Government could refuse, under the circumstances, to postpone the Ecclesiastical Courts Bill till after Easter.

Mr. *Escott*, being strongly opposed to the Ecclesiastical Courts Bill could only rejoice at any circumstance that had the effect of postponing its progress. So far, therefore from finding any fault with the Government for not making a House on the previous evening, he thought that that circumstance should be regarded by all the opponents of the measure as a matter of congratulation. He begged to join with the hon. and learned Members for Chester and Liskeard in urging upon the Government the propriety of deferring the second reading of this very objectionable bill until after Easter.

Mr. *R. Yorke* must denounce both the bill and the conduct of the Government in reference to it. It was impossible that it could be properly discussed during the absence of the members of the legal profession. He insisted, therefore, upon the necessity of postponing it until after Easter. The Gentlemen now upon the Ministerial Bench used to charge the late Government with preventing a House for the purpose of getting rid of unpleasant questions. He now charged the present Government with the same practice. How else was it possible to account for the circumstance of there being no House on the previous evening?

Dr. *Nicholl* was not disposed to bandy hard words; neither would he be betrayed by the strong and almost personal language of the Gentleman opposite, into any preliminary discussion of a measure which was not then under the consideration of the House. He regretted the inconvenience to which the hon. Member for Chester had been put, but it was occasioned entirely by accident—by circumstances which he could not have forseen. He came down last evening, fully expecting to take part in the discussion, and little anticipating that there would not be a House. He must say that he could not understand the demand now so pressingly made, for an extension of time for the further consideration of the Ecclesiastical Courts' Bill, seeing that the bill was, in fact, the very same that had been before Parliament now for many years, and had received the sanction of no less than three of the noble and learned Lords who, since the year 1832, had sat upon the woolsack. The House and the country had had ample time to make themselves acquainted with all the provisions of the measure; and as the bill of the present Session had now been upon the Table for a considerable length of time, he could not recommend the House to defer the second reading of of it beyond Friday next.

Mr. *Ferrand* considering the objectionable nature of the bill must protest against so early a day as Friday next being appointed for the second reading, as no time would be afforded to the country to petition against it.

Mr. *Jervis* having left Montgomery for the special purpose of being present at the discussion of the bill on the previous evening, when the Government, if they pleased, might easily have made a House, and having to return to the assizes, it was impossible that he could be present on Friday next. He should move, therefore, that the second reading of the bill be deferred till Friday the 7th of April.

Sir *James Graham* said, that the objection of the hon. and learned Member for Liskeard (Mr. C. Buller), if carried to the extent to which he seemed anxious to urge it, would have the effect of excluding all discussions upon questions in which changes of the law were involved, except upon occasions when it suited the convenience of the Members of the legal profession to be present. In that case, the period for the discussion of such measures would be extremely limited, seeing how much of the six or seven months during which Parliament usually sat, was occupied by the spring and summer circuits. With regard to the Ecclesiastical Courts' Bill he agreed with what had fallen from the Judge-advocate. He would not then discuss the merits of it, as he thought it would be inexpedient. He and every Member of the Government were equally responsible with the Judge-advocate for the introduction of the bill. It was, strictly speaking, a Government measure. It had met with the approbation of the late Lord Chancellor and of many learned judges. The provision with respect to wills, bequeathing property of small amount, had been introduced, in accordance with the recommendation of a committee of the House of Lords. It was undoubtedly desirable that the decision of the House should be taken as soon as possible upon the principle of the bill; but at the same time he admitted that upon a question of this nature it was very desirable that there should be a full attendance of the Members of the legal profession. He would, therefore, under all the circumstances, make no objection to the suggestion of the hon. and learned Gentleman the Member for Chester, and would defer the second reading of the bill, not to Friday, the 7th of April, but to Monday, the 10th of April. Whilst he assented to this postponement in deference to the convenience of the Gentlemen of the legal profession, and whilst the bill remained undiscussed in that House, he must protest against the terms in which it had in many quarters been spoken of—terms which he could only designate as opprobrious, unfounded, and false.

Mr. *C Buller* begged to thank the right hon. Baronet for the very handsome manner in which he had acceded to the suggestion of the hon. and learned Member for Chester.

Colonel *Sibthorp* wished to know whether the words "opprobrious, unfounded, and false," which the right hon. Baronet had employed were intended to apply to anything that had fallen from him.

Sir *James Graham* assured the gallant Member that he had no intention of applying those words to anything that had fallen from him. They applied solely to what he had seen and read of the motives of his right hon. and learned Friend (Dr. Nicholl) in introducing the bill.

Second reading of the bill fixed for April 10th.

Adjourned at a quarter before six.

HOUSE OF LORDS,

Monday, March 13, 1843.

MINUTES.] BILLS. *Public.*—1^{a}· Punishment of Death. 3^{a}· and passed:—Justices of Peace (Ireland).

Private.—1^{a}· Oxnams Estate.

Reported.—Earl of Leicester's Estate; Caswalls Disability Removal.

PETITIONS PRESENTED. By the Bishop of Bangor, Hereford, and Winchester, from Winchester, Salop, Hawkesbury, Llanwellnwyfo, Aberffraw, Llangenynin, and Nevern, against the Union of the Sees of St. Asaph and Bangor; and from the Deanery of South West Stoke, and St. Bees (Cumberland), for Founding a Bishopric of Manchester.—From Chetton, Glazeley, and Deuxhill, for Church Extension.

VOTE OF THANKS TO THE FORCES EMPLOYED IN CHINA.] The *Lord Chancellor* informed the House that having transmitted to Sir Gordon Bremer the resolution conveying their Lordships' thanks to the officers and men who had served in the Chinese expedition, he had received from Sir Gordon Bremer the following reply:—

"*The Priory, Compton, Plymouth,*
"*March* 9, 1843.

"My Lord—I am honoured by your Lordship's letter of the 25th of February, transmitting to me the resolution of the House of Lords of the 14th ult., respecting the late naval and military operations on the coast of China.

"I request that your Lordship will be pleased to convey to the House of Lords the expression of my deepest gratitude and respect for the great and valued honour conferred on me by the testimony of approbation with which their Lordships have marked my humble service.

"With feelings of the greatest gratification I shall immediately obey the commands of the House of Lords, by transmitting to the officers who served under me the resolutions by which their Lordships confer on them the high and distinguished honour of their approbation.

"With sentiments of the highest respect,
"I have the honour to subscribe myself,
"My Lord,
"Your Lordship's most obedient and humble
"Servant,
"J. J. GORDON BREMER,
"*Late Commodore and Commander-in-Chief. of H. M. Ships in China.*

"The right hon. the Lord High Chancellor."

On the motion of the Duke of *Wellington*, Sir Gordon Bremer's reply was ordered to be entered upon the minutes.

CHURCH OF SCOTLAND.] Lord *Camp-*

bell gave notice that on Monday, the 20th of March, he should ask their Lordships to agree to certain resolutions respecting the disputes that at present agitated the Church of Scotland, with the view either of preventing the schism that had unhappily occurred, or of rendering it less calamitous than it might otherwise be. He refrained at present from making any observation upon the subject; but their Lordships need hardly be told that it was one of vital importance to the peace and well being of Scotland. On an early day he would lay on the Table the resolutions which he should feel it his duty to move.

Lord *Brougham* thought it highly inexpedient that their Lordships should enter into any discussion upon this subject prior to the determination of the Stewarton case, which was now pending.

Lord *Campbell* certainly could not think of postponing his resolutions until after the Stewarton case was decided; because if he were to do so, the object that he had in view would be utterly defeated. He very much doubted whether the Stewarton case would be decided before the meeting of the General Assembly, which would be the crisis of the Church of Scotland. But in the resolutions which he proposed to submit to their Lordships he should cautiously avoid any collision between the judicial and legislative functions of that House.

The New Houses.] Lord *Wharncliffe* reported from the committee appointed to ascertain the progress of the new Houses of Parliament, that, considering the inconvenience to which their Lordships were at present exposed would be greatly aggravated by the progresss of the new buildings in 1844, it was expedient that no delay should take place in preparing the new House of Lords beyond what was absolutely necessary for the safety of the work; that the architect should be directed so to conduct the works as to complete the new House, and fit it for their Lordships' reception, by the commencement of the Session of 1844; that if the architect apprehended any injurious consequence to the building from the course thus recommended, he should report the same to the House; that it did not appear to the committee to be advisable that any expense should be incurred by an attempt to improve the present House.

Report laid on the Table and ordered to be printed.

Insanity and Crime.] The *Lord Chancellor*: I have felt anxious, my Lords, at the earliest possible day to call your Lordships' attention to the subject of the notice, which I gave on a former occasion, with reference to a late trial. The circumstances connected with that trial have created a deep sensation amongst your Lordships, and also in the public mind. I am not surprised at this. A gentleman in the prime of life, of a most amiable character, incapable of giving offence or of injuring any individual, was murdered in the streets of this metropolis in open day. The assassin was secured; he was committed for trial; that trial has taken place, and he has escaped with impunity. Your Lordships will not be surprised that these circumstances should have created a deep feeling in the public mind, and that many persons should, upon the first impression, be disposed to think that there is some great defect in the laws of the country with reference to this subject which calls for a revision of those laws, in order that a repetition of such outrages may be prevented. I have felt it my duty, my Lords, in consequence of some suggestions from your Lordships, to consider (in consultation with others) this interesting and important subject, with the view not only of ascertaining correctly what the law is, with reference to it, but for the purpose also of ascertaining (if the law should turn out to be defective) what particular remedy should be applied, and what the nature of that remedy should be. Your Lordships will be aware that this is a most difficult and delicate subject: because all persons who have directed their attention to these inquiries, all persons who are best informed upon it, concur in stating that the subject of insanity is but imperfectly understood. I am not now speaking of general and complete mental alienation. I am speaking of that description of insanity which consists of a delusion directed to one or more subjects, or one or more persons; and those who are acquainted with this subject know how difficult it is to decide to what extent the moral sense and the moral feeling that guide men's actions is influenced by delusions of this description. We all know that persons who labour under mental delusion with respect to one or more objects are entirely, or apparently entirely, rational with respect to others. They are frequently very intelligent, frequently very acute. It is often extremely difficult to discover the existence of this concealed malady, and the persons who labour under it are uncommonly astute in defeating all endeavours to detect its existence. We almost all of us recollect and know the statement made by Mr. Erskine, in his able and eloquent defence of Hatfield, with respect to the acuteness with which persons who labour under infirmities of this description defeat the skill and sagacity, and over-reach the intellect of the most experienced person. Mr. Erskine tells us of the instance of a prosecution having been directed by a person who had been confined in a lunatic asylum against his brother and the keeper of the asylum for false imprisonment and undue restraint. Mr. Erskine was counsel for the defendant. He says he was informed in his brief and in his instructions that the man was undoubtedly insane; that the particular infirmity existing in his mind was not disclosed to him; that the prosecutor himself appeared as a witness in support of the indictment; that he was put into the witness-box and examined, and that his evidence throughout the whole of his examination was clear, distinct, collected, rational. Mr. Erskine adds, that he tried to discover some lurking aberration of mind in the course of a cross-examination, conducted, for nearly an hour, with all the dexterity and skill of which he was capable. All his endeavours were foiled. The man's answers were completely rational, betraying not the slightest appearance of mental alienation. At this moment a gentleman came into court who had been accidentally detained elsewhere, and whispered into Mr. Erskine's ear that the witness thought he was the Saviour of mankind. The moment that Mr. Erskine received that hint, he made a low bow to the witness, addressed him in terms of great reverence, and respectfully begged to apologise for the unceremonious manner in which he had treated a person of his sacred character. Mr. Erskine called him Christian, the effect of this mode of address, instant as the touch of Ithuriel's spear, elicited the truth, and showed the real infirmity of the man: he immediately answered "Thou hast spoken: I am the Christ." The case immediately terminated. A similar case is stated by a French writer, M. Pinel, in his work on insanity, with respect to a person confined in the Bicetre. A commission was appointed to visit that prison for the purpose of liberating those persons who were confined there as being of unsound mind, but who were not labouring under that calamity. M. Pinel states, that he examined one particular patient repeatedly upon many successive days, and, though he was a person experienced in those inquiries and a man of considerable learning and sagacity, all his endeavours to prove the man insane were frustrated and foiled. The result was, he ordered a certificate to be prepared for his liberation. It was necessary, before the man was liberated, that he should himself sign the certificate. It was placed before him, and he signed "Jesus Christ." Of course the certificate was destroyed, and the man was not liberated. I might mention a vast variety of instances to show the various shapes and forms that insanity of this description takes — instances collected from the works of the medical writers and jurists of this country, of France, and of Germany, where this subject has been much and deeply investigated. The result would be, that your Lordships would be satisfied that any attempt at a definition or description of the particular disease would be altogether futile, and that the only course we can pursue is to lay down some general and comprehensive rule, and to leave those who administer the laws of the country to apply that rule to the different cases as they may arise. The first question for our consideration is, what is the actual law of the country with respect to crimes committed by persons labouring under infirmities and disase of this description. I apprehend, when your Lordships come to consider it, you will find that there is no doubt with respect to the law—that it is clear, distinct, defined; and I think the result upon your Lordships' minds will be, that it will be quite impossible beneficially to alter the law, or to render it better adapted than it is, in the shape in which it now exists, for the purpose for which it is designed. On this subject I wish to be as clear and perspicuous as possible. It is a subject of great importance, and one in which the public take a deep interest. Every thing, therefore, connected with it ought to be laid before the public, through your Lordships, with the utmost possible precision. I do not think it necessary to quote any text writer on this subject. I shall go at once to the fountain head, and quote for your Lordships what learned judges, in the administration of justice, have said as applicable to this subject, and point to the rules which they have laid down for the guidance of those who have to decide on the criminality or innocence of the parties standing accused before them. The first authority to which I beg to refer is that of a most learned and most accurate judge. I speak in the presence of my noble and learned Friends who recollect that learned judge, and who will concur with me in saying that he never was exceeded by any person administering justice in the accuracy of the view he took of the law. I mean Mr. Justice Le Blanc. I will state to your Lordships how the law was laid down by that learned judge in a case that was tried before him at the Old Bailey, in 1812, six months after the trial of Bellingham. The circumstances of the case, as far as is necessary to mention them in order, to introduce the judgment to your Lordships, are shortly these; the prisoner had entertained a great antipathy against a particular person named Burrowes; there was no foundation in fact for that antipathy; the person obnoxious to the prisoner had never given the slightest cause of offence; the prisoner, with great deliberation, loaded a blunderbus and shot this person. Fortunately, however, the man was not killed. The prisoner was tried under the act for shooting—a capital offence. The defence that was set up was "insanity." The prisoner had had an epileptic fit, which not unfrequently does produce infirmity of mind. About a month previous to the act of violence for which he was tried, a commission of lunacy had been issued against him. The jury empanelled upon that occasion returned a verdict of insanity. Mr. Warburton, the keeper of a lunatic asylum, a man of great experience in these matters, stated, that in his opinion the prisoner was insane, and that insanity of such a description as that under which the prisoner was labouring often led to the harbouring and entertaining of the strongest antipathies, without any cause, against particular individuals. This was the substance of the case presented to the jury. The judge, with respect to the main point, summed up in these words:—

> "It is for you (the jury) to determine whether the prisoner, when he committed the offence with which he stands charged, was, or was not, incapable of distinguishing right from wrong, or whether he was under the influence of any delusion with respect to the prosecutor which rendered his mind at the moment insensible of the nature of the act he was about to commit, since, in that case, he would not be legally responsible for his conduct. On the other hand, provided you should be of opinion, that when he committed the offence he was capable of distinguishing right from wrong, and was not under the influence of such a delusion as disabled him from distinguishing that he was doing a wrong act, in that case he is answerable to the justice of his country, and guilty in the eye of the law."

He was found guilty by the jury, and afterwards, I believe, executed. I apprehend, that that is the law of the land as far as relates to this subject. If a man, labouring under some mental delusion, acts under the influence of that delusion, and the influence of the delusion is so powerful as to render him incapable of distinguishing right from wrong, in that case he cannot be considered in law as responsible for his act. I apprehend, that all the decisions will show that that is the law of the country. The next case to which I shall beg to call your Lordships attention upon this subject is the case of Bellingham, tried before Chief Justice Mansfield. I have thought it of importance in this case, on account of the different observations that have been made upon it, to request the solicitor to the Treasury to search to see if there were any short-hand writer's minutes of the proceedings at the trial. The short-hand writer's minutes have been sentto me, and this is the substance of the summing-up of the learned judge who presided, as far as relates to the report now before us. It is unnecessary for me to enter into any of the facts of the case, because they must be sufficiently fresh (notwithstanding the interval of time) in your Lordships' recollection. Chief Justice Mansfield, after making some observations upon the case of men labouring under a total absence of reason proceeds thus:—

> "There is a species of insanity, where people take particular fancies into their heads who are perfectly sane and sound of mind upon all other subjects; but that is not a species of insanity which can excuse any person who has committed a crime, unless it so affects his mind at the particular period when he commits the crime, as to disable him from distinguishing between good and evil, or to judge of the consequence of his actions."

And afterwards Chief Justice Mansfield put the case to the jury thus:—

> "The question is this, whether you are satisfied that he (the prisoner) had a sufficient degree of capacity to distinguish between good

and evil, and to know that he was committing a crime when he committed this act; in that case you will find him guilty."

So that although the expressions in some sort vary, the two jugments of these two learned judges are, I apprehend, in substance exactly the same; namely, that if the party at the time that he committed the act was in such a state of mind—in such a state of sanity, as to know that he was doing a wrong thing—in that case, but not otherwise, he was amenable to the law. There was an earlier case, to which I shall also call your Lordships' attention, the case of Hatfield. Mr. Erskine, in his most eloquent and powerful defence of the prisoner upon that occasion, stated what he conceived to be the law in cases of this description.

> "When a man," said he, "is labouring under a delusion, if you are satisfied that the delusion existed at the time of the committal of the offence—that the act was done under its influence—then he cannot be considered as guilty of any crime."

That was stated in the most eloquent terms by Mr. Erskine to be the law with respect to cases of this nature. The trial of Hatfield was a trial at bar in the Court of King's Bench, and, of course, all the judges of that court attended. Lord Kenyon presided. Lord Kenyon interrupted the defence before it was closed, and made these observations:—

> "Mr. Attorney-general, can you call any witnesses to contradict these facts?—With regard to the law, as it is laid down, there can be no doubt upon earth; to be sure, if a man is in a deranged state of mind at the time, he is not criminally answerable for his acts; but the material part of this case is, whether, at the very time when the act was committed, this man's mind was sane?"

He then went on to make some observations on the evidence, and afterwards added:—

> "His sanity must be made out to the satisfaction of a moral man meeting the case with fortitude of mind, knowing he has an arduous duty to discharge, yet, if the scales hang anything like even, throwing in a certain proportion of mercy to the party."

Your Lordships, find, therefore, that, in the case which preceded the two others, that I have brought under your notice, Lord Kenyon, and through him all the other judges of the Court of King's Bench, were of opinion that the law as laid down by Mr. Erskine was correct, and that if the man who committed a crime was insane at the time he committed it, that is to say, was labouring under such disease of the mind as not to know whether he were doing right or wrong, in that case he was not a subject for a criminal trial. No departure has been made from the rule of law thus laid down by the three learned judges to whom I have referred. The rule of law so laid down by them was not laid down when those learned judges were sitting alone, but when they were sitting in connection with the other judges of their respective courts, whose opinions, of course, must be taken as having corresponded with theirs. No alteration has taken place in that rule of law, or in the view of it by any of the learned judges who have presided at the late trials. In Oxford's case Lord Chief Justice Denman laid down precisely the same law, and, in order that there might be no mistake with respect to it (being a subject of such deep interest and importance), he consulted the other judges, Mr. Justice Patteson and Mr. Justice Alderson, who were sitting with him, and they concurred with him in a written note as to what was the law upon the subject. The note so agreed upon was read by the Chief Justice to the jury. I take it, therefore, that the law is distinctly settled and distinctly understood upon this subject. If it be so, the next question for your Lordshids' consideration is, whether there is any reason to alter, or I should say any possibility of altering, the law. Can your Lordships say that if a man, when he commits a crime, is under the influence of delusion and insanity, so as not to know right from wrong, so as not to know what he is doing—is it possible that your Lordships can by any legislative provision say, that such a man shall be responsible for his act, and be liable to lose his life for the wrong he has unknowingly committed? It is impossible. Your Lordships might pass such a law; you have the power to do so; but when you came for the first time to put it into execution, the sense of all, the feeling of all reasonable men, would revolt against it, and your Lordships would be obliged to retrace your steps, and to repeal the law which you had passed in a moment of excited feeling in consequence of recent painful impressions, but which you could not have passed under the influence of sober and steady reason. Lord Coke says, that to execute an insane person is contrary to all law, and pregnant with the greatest danger. If your Lordships entertain any doubt as to the law, you have a course to pursue which is perfectly open to you; it is this—to summon the judges of the land before you, to hear their opinion upon the law; and as the subject is one of great importance to the country, to obtain from them a rule laid down by their united authority, by which to guide the future administration of justice in cases of this description. A rule laid down by the united authority of all the judges might possibly have more influence and more force than the opinion of a single judge conveyed in a charge to a jury. It is for your Lordships to say, whether you think it necessary to resort to such a course. But your Lordships will naturally ask, and with some anxiety and curiosity, what the law of other countries is upon this subject. The law of other countries corresponds, and of necessity must correspond, precisely with our own. The law of Scotland is thus explained by Mr. Alison, a learned writer upon the criminal law of that country:—

> "To amount to a complete bar to punishment the insanity at the time of committing the crime must have been of such a kind as completely to deprive the prisoner of reason with respect to the act in question, and the knowledge that he was doing wrong."

And if your Lordships refer to the valuable treatise on criminal law by Baron Hume, although the views of that learned writer are more expansively directed and more loosely expressed upon this particular point, your Lordships will yet deduce from him the same conclusion as to the state of the law upon this subject in Scotland. I will now call the attention to a particular case cited by Mr. Alison on the subject. A man was indicted for the murder of another by shooting him whilst he was going across a moor. The defence set up was insanity, and the delusion the prisoner laboured under was this. He supposed the man whom he had shot to be an evil spirit, whom he was commanded by the Almighty to kill. No one doubted that if the facts necessary to support the defence had been made out to the satisfaction of the jury, the judges (it is clear from the way in which the case was conducted) would have considered it a substantial defence; but the facts were not made out, and the man was found guilty from the defect in the evidence, the jury being of opinion, under the direction of the court, that there was not sufficient evidence to show that at the time the man committed the act he really was labouring under that delusion. My Lords, to pass from Scotland to France. In the Code Napoleon (the criminal code not less of ancient than of modern France) the French law on the subject is thus laid down:—

> "With respect to every crime, and every misdemeanour, no man can be made accountable, who, at the time he does the act, is under alienation of mind."

And though, my Lords, I have no particular text writer to quote as to the law of Germany on the subject, I have read many German treatises upon it, in which cases are cited satisfying me that the law of Germany in this respect corresponds with the law of France, the law of Scotland, and our own. The question then is, whether we can, under these circumstances, attempt to vary the law? Is it practicable? Is it possible? and, allowing it to be even practicable, would it be judicious? My Lords, some persons say, "Define precisely what the law is." I say, to attempt to define upon a subject with which we are as yet only partially acquainted would be difficult and dangerous. Let us leave the general law as it stands, and let the judges, before whom prisoners are arraigned and tried, apply the particular facts to the law so laid down. My Lords, I have heard it said (it is an argument I have heard in the streets), "The object of punishment is the prevention of crime; that you do not punish a criminal by way of retribution; not in a spirit of vengeance upon guilt, but to prevent other persons from committing a similar error." Therefore, it may be said, and it has been said, that although a man is under an insane delusion at the time he commits the offence, yet knows what will be the effect of the act he commits—that is, if he knows that if he fire a pistol it will kill a man—that that is a sufficient foundation for carrying the criminal law into operation against him, to prevent others from committing the same crime. My Lords, I should have dealt shortly with a position of this kind, if I had not found it supported in the writings of such high an authority as those of a most rev. Prelate—not at this time, I believe, a member of your Lordships' House, but connected with another part of the United Kingdom. [A Peer intimated to the noble and learned Lord that he was mistaken]. I spoke at the moment in uncertainty, whether or not the most rev. Prelate be now a member of your Lordships' House. However, the most rev. Prelate, after stating a position precisely the same as that I have put, illustrates his position by the example of a dog accustomed to worry sheep. The animal has no moral sense—no ideas of good and evil; but still you punish that dog—you punish him to correct and prevent him from worrying sheep. That is the illustration of the most rev. Prelate. And now with respect to the position. You punish not in a spirit of vengeance, but as an example to deter others from committing other similar offences. But what is the way you do this? Do you punish persons incapable of committing the crime for which you punish? Or do you punish a person guilty of an offence which is not subject to the punishment you award? No, my Lords. The person must, in the first instance, deserve the punishment, and you then inflict the punishment, not in a spirit of vengeance, but with the object to which the most rev. Prelate alludes. I confess, my Lords, knowing what I do of the sagacity and profound learning of that most rev. Prelate, that I am surprised at his having fallen into what I must, with the utmost deference, consider to be such a logical absurdity. You punish the dog; granted, but not for an example to other dogs. My Lords, if you should be satisfied that I have stated the law correctly, and that no change can take place in that rule of law, the next question for consideration is this, whether an alteration can be made, or ought to be made, in the form and mode of administering that law. My Lords, as I apprehend, this is equally impracticable. A man accused of the commission of a crime has a right to be charged to a jury, and to have counsel assigned to him for his defence. He has a right to call such witnesses as he may think proper, for the purpose of establishing that defence. His counsel has the right—indeed, it is his duty so to do—to make such observations upon his case, both as to the law and the facts, as he may think most available for the interests of his client; and then the jury is to decide upon the question of the facts. Over the whole of this proceeding, a learned Judge presides, whose duty it is to decide upon the admissibility of evidence, to state the law to the jury, to sum up the facts, and comment upon them with reference to the law; and then to leave the whole, as a question of facts, for the consideration and determination of the jury. That, my Lords, is the form and mode of proceeding in this, as in every other criminal case. Can you change it? Is it practicable to do so? No man can entertain a doubt upon that point. If, then, not only the rule of law, but the mode of administering it be right, what room is there for legislation? You may say, that in a particular instance the law has not been well administered—that the jury drew improper conclusions from facts—that theoretical statements were made to them, which were not justified by science, and that, influenced by them, the jury arrived at an improper conclusion. That is a misfortune to which we must submit, because it cannot be remedied by legislation. The prosecution in the particular case which has given rise to this discussion was conducted by a learned Friend of mine, filling a high legal office, and as distinguished for remarkable talents, as a lawyer and an advocate, as any man who ever preceded him in the discharge of the important duties he has undertaken. The learned Judges who presided at the trial, three in number, were among the most eminent and enlightened judges of the empire—the Lord Chief Justice of the Common Pleas and two judges of the Court of Queen's Bench, men of admitted learning, exalted talent, and long experience, men most conscientious in character, these were the persons who presided at the trial. What was the law as laid down by the Lord Chief Justice? Precisely the law I have stated. I sent for the short-hand writers' notes of the summing up. I thought it proper to look to this document for the purpose of being sure as to the words made use of by the learned Judge; and I will read it to your Lordships the precise words reported:—

"The point which will be at last submitted to you will be, whether or not, on the whole of the evidence you have heard, you are satisfied that at the time the act was committed for the commission of which the prisoner stands charged, he had not that competent use of his understanding as not to know what he was doing, with respect to the act itself, a wicked and a wrong thing—whether he knew it was a wicked and a wrong thing he had done—or that he was not sensible at the time he committed this act that it was contrary to the laws of God and man. Undoubtedly, if he were not so sensible, he is not a person so responsible."

The learned Judge, towards the close of his summing up, says—

"If, upon balancing the evidence in your minds, you should think the prisoner a person capable of distinguishing right from wrong, with respect to the act with which he stands charged, he is then a responsible agent, and liable to the penalties imposed upon those who commit the crime of which he is accused."

No person can quarrel with that statement of the law by the Lord Chief Justice. The only question is, whether the jury, when the law was so laid down, drew a right conclusion from the facts stated in evidence before them. My Lords, it has been said, why did the learned judge not suffer the trial to take its course to the very end? I think, considering all the circumstances that have since occurred, it would have been far better if that course had been taken. But, at the same time, I do not believe for a moment there would have been the slightest alteration in the issue; and my reason for so thinking is this: many medical men, highly experienced on the subject, were examined on the part of the prisoner, and there were two medical gentlemen of great eminence on the part of the Crown, who had themselves examined the prisoner, with a view to arriving at the conclusion whether he were sane or not at the time this act was committed. Those medical men were sitting in court, and they were not called on the part of the prosecution. My Lords, these gentlemen not being called upon the part of the prosecution, what is the inference—the absolutely necessary inference? Why, that instead of opposing the testimony of the other medical men, they would have coincided with and have confirmed it. I know of my own knowledge that such would have been the fact. Is it possible, then, if the case had gone to an issue under these circumstances, that the verdict could have been other than that which the jury actually pronounced? In Hatfield's case, which, as I have said, was a trial at bar before the King's Bench of that time, the learned judge interposed, and asked the Attorney-general, "Can you contradict these facts—can you call witnesses to answer or disprove them?" The Attorney-general having replied in the negative, Lord Kenyon said it was then impossible to doubt the fact. In that case, therefore, precisely the same course was pursued as in the present. And here, my Lords, give me leave to say, that no person, except those present at the time, and who actually saw what was going on, can form a correct estimate of what was the prudent course to pursue under the circumstances. I have thought it my duty to make these observations to your Lordships. For myself I have only read the general evidence as reported in the newspapers, and, therefore, I cannot say if the testimony was of a nature to justify the verdict. I say nothing whatever. I express no opinion upon that subject. But knowing as I do the extraordinary talents and powers of the learned counsel for the prosecution, the eminent attainments and high character of the learned judges who presided, I must say that, except upon the strongest possible testimony from witnesses of the most unimpeachable character—persons who had seen the whole proceedings—I never could bring myself to the supposition that justice had not been fairly and substantially done. My Lords, what then is the conclusion to which we must come? That no alteration can be made, or ought to be made, in the rule of law on the subject—that no altetation can be made, or ought to be made, in the mode of administering the law. The only thing, therefore, left for us to consider is, whether, in the way of legislation, measures of precaution stronger than those now in existence can be taken; and to ascertain the extent to which we can proceed in that direction. In a few days I shall be enabled to lay on the Table of the House a measure which, I trust, may be effective. Taking into consideration the skill exhibited by parties labouring under these delusions, I cannot undertake to say that cases of this kind will not occasionally occur. They have occurred from time to time in this country, in France, indeed in every country of civilized Europe. We may not be able effectually to guard against their recurrence, but still we must by legislation do the utmost in our power for the purpose. My Lords, if with respect to the general law, your Lordships think it necessary to take the opinion of the judges, and to have their united authority on the subject, I will request the attendance of those learned persons. I think such a course will give great authority and great force to the proceedings, and may be attended with practical consequences of good, far better than by interfering by legislation. Let us know from the highest authority, from the voice of the judges, what the law is, let it be laid down by them in precise terms, together with what is to be in future the administration of that law according to their opinion. My Lords, in the course of two or three days, I repeat, I will lay upon the Table of the House the bill of which I have given notice; and if, in your Lordships' opinion, such a course is necessary, I will request the attendance of her Majesty's judges, with a view to the object I have stated.

Lord *Brougham* said, he had risen thus early, as might be expected, in consequence of having been the first to call the attention of his noble and learned Friend on the Woolsack, and also that of his noble Friend's colleagues, to the subject of the late trial. Although there was, strictly speaking, no question before their Lordships, he trusted they would bear with him for a while, as they had borne with his noble and learned Friend, whilst he offered a few observations to their attention on a subject of the greatest possible importance, and which, he entirely agreed with his noble and learned Friend, it was necessary to consider with the greatest attention. He cordially and entirely agreed with his noble and learned Friend in the panegyric he had so eloquently, as well as justly pronounced, both upon his hon. and learned Friend, the Solicitor-general, and upon the three learned judges who had presided at the trial in question, and with his noble and learned Friend he had every possible confidence that everything had been done which the exigency required, and which the nature of the case and of the proceedings demanded. But without imputing blame, he might on this occasion feel disposed to express an opinion upon the subject, although without entering upon it further than one single sentence. Although he, for one, had no doubt the course taken had been most properly pursued, he was bound to say he should have infinitely prefered that the case should have been tried to the end — that the case should have reached its natural and appointed conclusion, that the other witnesses had been called, that the reply of the Solicitor-general had been heard, commenting upon the evidence and the doctrine laid down by the counsel for the prisoner, and, above all, that the learned judge had had the opportunity in his summing-up of charging the jury with the prisoner, and of stating explicitly the grounds upon which his Lordship might have thought it was not a case for conviction. With the conduct of the trial, any more than with the result, he had no fault to find. He had no doubt that the accounts of the trial which he had read were incorrect, and that some of the evidence allowed to be given, not objected to by the counsel for the prosecution, and not rejected by the learned judge, must have been inaccurately reported in those accounts to which he had had access. And his reason for doubting their accuracy was this —he took upon himself to say, that as those accounts stood, certain evidence was given which ought not to have been given, that questions were put which the law did not permit to be put: and that statements were drawn from the witnesses as served for evidence which by law were not competent or admissible as evidence. It was, therefore, he believed, that the accounts he had seen were extremely erroneous in those respects. If the House would look at what was laid down by Lord Hardwicke, then sitting as Lord High Steward at the trial of Earl Ferrers in 1760, when that very kind of evidence was tendered, when those very questions were put to the witnesses, and when Lord Camden, then Attorney-general Pratt, objected to that evidence and those questions, they would find that Lord Hardwicke said, that the question must not be put, that it was not legal evidence; and his Lordship said, you must not ask a witness whether the facts sworn to by other witnesses preceding them amounted to a proof of insanity; you shall state the facts to the witnesses—men of skill in their profession—and you shall ask if such a fact is an indication of insanity or not—you shall ask them, upon their experience, what is an indication of insanity—you shall draw from them what amount of symptoms constitutes insanity; but you shall not remove the witness from the witness-box into the jury-box; be he a medical man of the most unquestionable skill—the most practised in that most useful but most painful walk of his vocation; be he the most competent possible to give us the result of his practical observation and experience, still you shall not transfer that witness from the witness-box into the jury-box, but you shall ask him what symptoms his experience indicates to him as a test of insanity, or sanity, and leave it to the judge, or rather the jury, to say whether the man be guilty or not guilty, he being sane or insane. For these reasons, therefore, he had no doubt that he had seen an incorrect account of what had passed on the trial he was now referring to. He agreed with his noble and learned Friend in that luminous view of the authorities which his noble Friend had taken, and which could not have failed to make that impression upon their Lordships which it was so well calculated to effect. Those persons were grievously mistaken who supposed that the law of

England required change either as to the subject matter or as to the mode of administering it. With respect to the point of a person being an accountable being, that was an accountable being to the law of the land, a great confusion had pervaded the minds of some persons whom he was indisposed to term reasoners, who considered accountability in its moral sense, as mixing itself up with the only kind of accountableness with which they, as human legislators, had to do, and of which they could take cognizance. He could conceive a case of a human being, of a weekly-constituted mind, who might, by long brooding over real or fancied wrongs, work up so perverted a feeling of hatred against an individual, that danger might occur. He might not be deluded as to the actual existence of injuries he had received, but he might grievously and grossly exaggerate them, and they might so operate upon a weakly-framed mind and intellect as to produce crime. He could conceive that the Maker of that man, in his infinite mercy, having regard to the object of his creation, might deem him not an object for punishment. But that man was accountable to human tribunals in a totally different sense. Man punished crime for the purpose of practically deterring others from offending by committing a repetition of the like act. It was in that sense only that he had anything to do with the doctrine of accountable and not accountable. He could conceive a person whom the Deity might not deem accountable, but who might be perfectly accountable to human laws. What was the test as laid down by the learned judges? Here he might observe that he could have wished those learned persons had always used the same language, and that they had been pleased to substitute for certain vague indefinite expressions a more specific and precise phraseology. Their Lordships had sometimes said that a man must be "capable of knowing right from wrong." That was the most common definition; but at other times they had said he must be "capable of distinguishing good from evil"—a totally different expression more vague and lax. Why, a man might doubt what was good and what was evil. A man might know right from wrong, and not know good from evil. Then there came in a third expression—"Capable of knowing what was proper." Another expression used was, "What was wicked." So that there were four different tests, in four different forms of language and expression. Every one of them more vague, more uncertain, less easily acted upon than the original one of right and wrong. Their Lordships would, perhaps, think him even more than hypercritical, if he avowed that he should not have been satisfied if the expression of "knowing, right from wrong," and no other expression, had been used throughout, because, before applying it, it would have been incumbent upon him to distinctly ascertain what was right and what was wrong. He was not sure that people always judged accurately upon that point. He was not sure that juries always knew right from wrong. He knew, and their Lordships knew perfectly well, what those learned judges meant by "right from wrong," but he was not sure that the public at large did. Above all, he was not sure that men whose understandings were a little affected had a distinct apprehension of what the judge meant when he spoke of right and wrong, and the capacity to distinguish between these being the test of insanity or sanity. First of all, did the unfortunate person know what he was about? Did he actually know he was killing a man? Or did he think, peradventure, he was destroying some evil spirit, or some bird or beast? If he did not know he was killing a human being—if he did not know what he was doing at all—if he was so idiotic as to be utterly and entirely ignorant of what he was about—he was no more subject to punishment, no more accountable to a human tribunal than an animal. But the difficulty and the question arose—after you had ascertained that the man knew what he was actually about, that he took the usual precautions which any rational man would take the better to effect an object, that he was cognizant of a purpose framed in his own mind, and takes measures to bring about its accomplishment, then came the question and the difficulty was, he labouring under such a delusion that he could not distinguish what the learned judges called right from wrong? If a man was so placed under the influence of a peculiar notion of right and wrong in the abstract, he might think he had a perfect right to prostrate to the ground a man with regard to whose conduct to himself individually, or to mankind at large, he had thought, in his exaggerated and perverted way, had deserved the fate. Bellingham was tried and executed for the murder of Mr. Perceval, and no man had ever died more deservedly or more justly; yet there were many persons who had said that the refusal of the learned judge to give time for the bringing forward evidence to prove the insanity or sanity of the accused man was most deeply to be deplored; and he would go further, and say, that that learned judge was most profoundly to be blamed. He had never known Lord Erskine, with whom he had discussed this subject—he had never seen that illustrious advocate and great criminal lawyer, upon any one of those many subjects which they had so often canvassed together, more moved to indignation than he had been upon the case of the refusal, on the part of the learned judge, to postpone that trial. Affidavits had been made of the prisoner's family having been tainted with insanity. Affidavits had been produced from those who had known him from infancy of his having been insane. Affidavits were offered, showing a *primâ facie* case of mental alienation. But the evidence was two hundred miles off—at Liverpool—and the learned judge thought fit to refuse a fortnight's delay, that that evidence might be produced. In these observations he merely blamed indiscretion—he did not wish to give that case the appearance of having been unfairly tried. No man doubted that the result of the trial would have been precisely the same had the evidence been adduced. Happily, on the present occasion, time had been granted, and the result was before their Lordships. It appeared that Bellingham's ideas of right and wrong were so perverted that he never could be persuaded by all the pains that were taken with him—although conscious of what he had done—the idea could never be opened into his mind that he had not done an inevitable act, and that, consequently, he was guiltless. Mr. Stephens, a friend of his, and also a most intimate friend of the late Mr. Perceval—a friend so attached that his mind was for some time after the melancholy event almost in a state of mental alienation—made it his business, not from vague curiosity, but from high religious motives, to visit Bellingham several times during the short time that was left to him, and that time was short. On Monday, 11th May, he committed the act. At the same hour, 5 o'clock, in the afternoon of Monday 18th May, his body was in the dissecting-room. Such was the haste of the proceedings. The party was examined, committed, tried, convicted, and executed, all within the space of seven days. During that time, however, Mr. Stephens and Mr. Wilberforce saw him twice. They said Bellingham had no conception that he had done anything wrong; he lamented the death of Mr. Perceval; spoke of him with the greatest respect, and even esteem for his character; said that no man could more lament that such a thing should have befallen that gentleman than he (Bellingham) did; that nothing could be more hard, both to his family and to the public and society at large; and that it was greatly to be lamented. Then, he was asked, "Why did you do the deed?" "Oh, do it," he answered; "that was perfectly inevitable; there was no wrong at all in doing it; he could not help that." Here was a man, to whom the definition of sanity, which required the capacity of distinguishing right from wrong, had only a very narrow application; he knew the learned judges used the phrase with reference to the commands of the law. They could know only one kind of right and wrong; the right is when you act according to law, and the wrong is when you break it. Then why did not the judge say so in so many words? Distinguishing right from wrong, meant a knowledge that the act the person was about to commit was punishable by the law. That was a test that he (Lord Brougham) understood, and he was prepared to say that he differed *toto cœlo* from the most rev. Prelate whom his noble and learned Friend had cited. If the law were not so already, which he averred it was, for it could have no other meaning, since we knew that only to be wrong which the law declared to be wrong—which the law prohibited—if the law were not so, and he misunderstood the learned judges, if they meant by right and wrong whatever any man might choose, upon any theory of morals, or idiosyncracy of his own nature, to fancy to be right and wrong—if that was their doctrine, which he was sure it could not be, then he most cordially agreed with his noble and learned Friend that they should call the judges to their bar, in order that they might give an answer, not merely to the general question, what do you mean by right and wrong, and the capacity of distinguishing between them, but to half a dozen other questions which must succeed it. He thought with his noble and learned Friend that their assistance would be invaluable, but it would be invaluable on no account more than this, that it would lead to more uniformity in the language they used on future occasions in charging and directing juries on this most delicate and important subject. They would then no longer use the words wicked, wrong, improper, blameable, proper, right, good, evil; they would no longer indulge in that variety of phrase which only served to perplex others, if it did not also tend to bewilder themselves, as he supposed it sometimes did; but they would use one constant phrase, which the public and all persons concerned would be able to understand. Now that he had mentioned it, he must say, in extenuation, if not in justification of the errors into which the most rev. Prelate fell, in dealing with a subject which was perhaps not quite so congenial to him as to members of the legal profession, that the law as it had been administered, and the opinions and language which had been used from the bench, rather tended to lead into errors of this description. He thought that must, in fairness and candour towards the most reverend prelate, be admitted. Their Lordships must observe that nothing could be more improper than to hold that they had a right to execute a person not strictly accountable to human laws, merely because doing so might have a tendency to deter another from committing a like offence. But how likely a person unlearned in the law was to fall into such an error the most rev. Prelate was an example. His noble and learned Friend had stated most justly that those unfortunate lunatic patients were extremely acute, often on all subjects but one or two. They were often also extremely astute in defeating inquiries into their state of mind, in protecting themselves from observation, and concealing their own insanity, of which a very remarkable instance or two had been cited. But he would venture to say that those very persons, who showed such acuteness in protecting themselves from inquiry, who baffled the ingenuity of all who questioned them on the particular subject of their insanity, and changed their tact so as to bewilder their interrogators, if they had been put on their own trial in defence, would have been ready, nine out of ten of them at least, if if not all, to allow the court to think them insane. Those wretched persons had a knowledge that they were safe; that they were in a predicament in which the law could not touch them. He spoke not only from the experience he had had during a period of four years in the court now presided over by his noble and learned Friend (the Lord Chancellor), during which he had had many of those unhappy persons under examination before him, but also from the long knowledge he had had of such cases at the bar, and also as having had, like most public men, considerable experience of the manner in which they threatened and beset persons in official situations—almost always with a hint thrown out (and he found that with others the case was the same) that the law did not take any notice of them, and that in that respect they were above the law. They were quite aware of the state of the law on this head. This was the case with a person whom he defended on his trial for burning York Minster, the lunatic Martin. That unhappy man was quite aware that he was safe, and he was not the only person in the same state of mind aware of that. At an asylum in the neighbourhood of York, where the case of Martin was much discussed among the inmates, the majority came to the distinct conclusion that Martin was safe, because, said they, he is like ourselves, a person of whom the law takes no notice. Those persons were in confinement, but there were many men going about with just the same opinions, who were quite aware that that was the law. All this made it necessary to define more clearly what the law was, and to consider, an object to which, he trusted, the measure announced by his noble and learned Friend would be directed, whether there was not a possibility of throwing on other persons the responsibility of allowing men to go about who ought not to be allowed to be at large, to the danger of the community, and the danger of the unhappy persons themselves. It ought to be considered, also, whether some means of detaining them, shorter and more summary than the law at present furnished, might not be provided, for the safety, first, of the community, and next of the parties themselves. The most rev. Prelate had been somewhat misled in the argument he had held on this subject. The most rev. Prelate knew that the object of all human law was not retribution —that no human law had anything to do with—but prevention, and deterring others from crime by example. The most rev. Prelate argued that the life of a lunatic was of extremely little value to himself or to society, and therefore he asked, why should not that life be taken away on the principle of punishment, seeing that madmen might be deterred by example, unless they were idiots or furious. He thought this an exceedingly feeble argument—his noble and learned Friend had justly refuted it—but it was easy to see in what way the most rev. Archbishop had been led into the argument. He (Lord Brougham) had had occasion to consult medical authorities, whose opinion was of great value on this point, and in particular one who was a very old friend of his, a man who deserved the greatest respect and veneration, as being at the head of so distinguished a profession, whose experience was very large, and his general knowledge and accomplishments very great, and who was pre-eminently well qualified to form an opinion—he meant Sir H. Halford. He had had frequent opportunities of speaking to that eminent man on this subject, and he had put to him the question whether madmen generally, or the greater number of them, were not aware of the situation in which they were, and were not apt to be deterred by the motive of fear, even more, perhaps, than any other persons? The answer was, "Most decidedly so—no doubt about it." He might take occasion to point out that the law was by no means consistent in its treatment of the insane. It did not put them to death, it spared them from capital punishment; but it confined them for life, inflicting a punishment almost as great as that of death. Thus, these beings, incapable of distinguishing right from wrong, or good from evil—who were not to be considered moral agents—who were not to be held guilty, and never committed any crime at all—were visited with the most severe punishment. That was the law as it now stood, or at least as it was administered; but he wished his noble and learned Friend to turn his attention to it. Was it the law, as it was now administered, that we had a right to shut them up for life? Suppose they were cured, and ceased to be insane—that their reason grew clear, and the clouds that obscured it passed away—when they had recovered the knowledge of right and wrong, and become accountable agents. What was done with them then? Some of them were let out, some continued to be confined; the practice was by no means uniform. If it was said that you confined them for life in order to prevent them from doing mischief—"But," said the Archbishop of Dublin, "you should hang them up, not because they have done wrong, but because hanging them will prevent others from doing the same thing." He thought it but right and candid towards the most rev. Prelate to state the circumstances he had mentioned, and also to call the attention of his noble and learned Friend towards them. With respect to the test of the knowledge of right and wrong, he wished to show to their Lordships what was the rule followed in Lord Ferrer's case, in which it was somewhat differently put. It was proved that he was occasionally insane, and incapable, from his insanity, of knowing what he did. That was a great deal more than not knowing right from wrong, or not judging the consequences of the action, for he did not know what he was about occasionally; yet as it was proved that when he committed the offence he had capacity sufficient to form a design and know the consequences, he was found guilty and executed, not because he knew right from wrong, or could distinguish good from ill, but because he knew what he was about and could form a design. There was evidence that his friends were going to take out a commission of lunacy on Lord Ferrers, yet he was executed. In the present case, the accused went four or five times to Sir R. Peel's house for the purpose of ascertaining who Sir R. Peel was. He formed his conclusion that a certain individual was the person in quest of whom he went, because he saw him four or five times come from the house and go to what he knew was Sir R. Peel's office. The man drew the conclusion which any sane man would draw, having taken the steps which any sane man would do to inform himself on the subject. The man, no doubt, was mistaken; but so might any sane man be under the circumstances. The man, then, being determined to kill Sir R. Peel—[*Several Peers:* No, no; that was not in evidence]—he understood it was proved that he went to this place for this purpose — it was said he meant to kill Sir R. Peel, there was no doubt about that. The man took exactly the same steps to accomplish his purpose of killing another person that a sane man would have taken; he purchased the pistols, and, to make sure, he purchased two; he used powder and ball, charging both the pistols as anybody might do to kill an animal he wanted to dispatch; he then went and waylaid his victim, firing one pistol so near that it hit or grazed his victim. Not satisfied with that, he did just what any person in the possession of his senses would have done who wanted to make sure of his bloody work, and fired again. ["No, no."] He fired the first time, and that took effect; he was going to fire the second pistol from not being certain that he had succeeded at first, but it was utterly indifferent to his argument whether the man fired twice or once. The man's arm was then seized by the policeman and the man arrested. All this was so like the conduct of a rational man in full possession of his senses, that many persons thought, and evidently the most rev. the Archbishop of Dublin was one of them, that there ought to be some means taken to deter from similar crimes others who labour under this peculiar malady; since the malady differed so little from reason. The most rev. Prelate thought it would be a proper thing to make it a punishable offence. He thought it his duty to state these matters in defence of the most rev. Archbishop, or at least in extenuation of the charge that might be brought against him of having fallen into very great errors. It was perfectly clear, that what was called partial insanity, and what was called, very incorrectly, monomania (for there might be two points as well as one on which a person was deranged), if it existed at all times, made a person decidedly a lunatic. Whether or not the act committed by a person labouring under this delusion was an act of guilt, or something indifferent, the act of a sane or insane person, must depend on the state of his mind at the time the act was committed—he would not say at the moment of the act, for he thought that was an inaccurate expression. He could hardly bring himself to conceive, that a person having all his senses about him would commit an atrocity so great as had been perpetrated in the late case, but the character of the act would depend on the state of mind immediately before or about the time of its commission. If the perpetrator knew what he was doing, if he had taken his precautions to accomplish his purpose, if he knew at the time of doing the desperate act, that it was forbidden by the law, that was his test of sanity; he cared not what judge gave another test, he should go to his grave in the belief that it was the real, sound, and consistent test. He believed the judges meant nothing else than this; he believed, if called before their Lordships, as he hoped and trusted they would be, that they would be found to mean nothing else. He had troubled their Lordships with these observations, because he had thought it his bounden duty not to avoid a painful subject, when it was important, merely because it was painful.

Lord *Cottenham* thought it was impossible to listen to any doctrine which proposed to punish persons labouring under insane delusions. Their Lordships could not mean to say, that the man who was incapable of judging between right and wrong, of knowing whether an act were good or bad, ought to be made accountable for his actions. Such a man had not that within him which formed the foundation of accountability, either in a moral or legal point of view. It had been very forcibly stated, and it was no doubt perfectly true, that, alter the law or not, you would not get any jury who would convict, and hand over to punishment, individuals who, they were satisfied, were in such a state of mind as to be incapable of judging what was right and what was wrong. If that were so, it seemed to him to get rid of the only argument, if argument it could be called, for letting the law take its course on persons in that state of mind. It was said lunatics were capable of being deterred by the fear of punishment. That applied only to persons who were so far sane as to be capable of distinguishing between right and wrong, and there were many such, although they might have a natural infirmity of mind, or a morbid affection of the understanding. You must take a person who was so far deprived of his reason as to be incapable of distinguishing right from wrong; on such a person, he apprehended, the motive alluded to would have no influence, or it could only operate on persons confined in a lunatic asylum, and subjected to its discipline which might constrain them to a certain degree of regularity in conduct; but he thought it could have no effect on persons not under restraint, and moving about in society. It had been said, that persons in a lunatic asylum knew they were safe from the law. Such instances might have occurred, but he believed they were very rare. From his experience, he believed it very rarely happened that a person deranged was at the time aware of his derangement. He knew, and he had been often told, that persons in a state of convalescence, recovering from their insanity, were aware that they had been deranged; but, while labouring under the insanity, they had no conception of its existence. It appeared very strange that any persons should be labouring under a delusion, and yet be aware that it was a delusion; in fact, if they were aware of their state, there could be no delusion. He begged their Lordships to beware how they thought of making the law subject such persons to punishment, unless they could find a mind diseased sensible of the disease under which it was labouring. He did not see how a more accurate definition of insanity could be given than that which was at present laid down by the law. All that the Legislature could do was to keep the law in a proper state; the judge would explain its dictates to the jury, and then the jury, in each particular case, must apply them according to the circumstances. He could not help thinking, that if juries had always acted up to the true spirit of the law, and had adhered to the definition which the law fixed, giving their verdicts accordingly, those difficulties which were so much the subject of discussion would not have arisen. He apprehended, that to the conduct of juries much of the feeling existing on this subject was to be ascribed. But this was a misfortune liable to arise in the execution of all laws, and was not a matter of surprise. He entirely agreed that a consultation with the learned judges would be very desirable, not from any doubt he entertained as to what was the law or what were the opinions of authorities, but because he thought such a step would lead to uniformity of practice, and would be a lesson to judges to take the law from the highest possible authorities, that they might know what the law was and faithfully carry it into effect. His noble and learned Friend had not opened the other part of the subject. Anxious as he should be to take all steps which would be for the public protection, and add to the security of the members of the community, he confessed he should view with the greatest jealousy any measure to facilitate the confinement of individuals on the ground of insanity. This was a subject of very great difficulty, and he should be ready to consider any scheme that might be proposed, but he hoped his noble and learned Friend would bear in mind the latitude of definition which medical men were very apt to attribute to the notion of insanity. There was a well-known story of an eminent medical practitioner who, on surprise being expressed by the examining counsel at the latitude of his definition, answered him by saying, that, in truth, he did not think there were a great many persons who had a mind altogether sound. That was the danger which a very large proportion of medical men were apt to fall into. There was great danger in permitting the liberty of the subject to be infringed on the ground of insanity. After all, it was not to be expected that medical opinions would not have great weight with a court. The statute of George 3rd seemed to him to give powers sufficient for the restraint of dangerous lunatics; it did not occur to him how these powers could be extended with due regard to the preservation of the liberty of the subject. [The *Lord Chancellor:* They may be confined during her Majesty's pleasure.] That law authorised the restraint of persons labouring under derangement, and who there was reason to suppose meditated some unlawful act. They could not be restrained on the ground of derangement solely, for derangement might take a very innocent shape. The law, he apprehended, already gave sufficient power for the confinement and care of such persons. Whether it provided duly for their detention, or for their disposal while in confinement, might be matter for consideration, but in extending its powers they would be treading on very dangerous ground.

Lord *Campbell* thought it his duty to express shortly the result of a very long experience on this subject, and a very long attention to it. In the first place, he should be very sorry, for the sake of the character of the administration of justice in this country, if any doubt were thrown on the verdict in a late trial at the Central Criminal Court, and he was sure it was not at all intended by his noble and learned Friend, who addressed their Lordships second on this occasion, to throw any doubt upon it. There could be no doubt at all that M'Naughten was properly acquitted; but, at the same time, he must agree with his noble and learned Friend, that it would have been much more satisfactory if the trial had gone to its natural conclusion—if there had been a reply from the Solicitor-general, and a summing up from the learned judge. His noble and learned Friend on the Woolsack had said that the law was very accurately laid down by the learned judge. But what did that signify after he had stopped the trial, and the prisoner was substantially acquitted? The play was over: the judge asked the Solicitor-general if he could rebut the evidence that had been brought forward, because, if he could not, it would be vain to proceed further. The Solicitor-general said, he could not, and that he thought it his duty not to press the case further. He did not wish to throw the slightest reflection on that most distinguished judge, Chief Justice Tindal, who was an ornament to the bench, and a bright example of the highest qualities that could adorn it; but at the same time he did regret that that learned judge should have been so much impressed by the evidence given by the individual witnesses that he should have thought it right to take that course on the trial. The impression on the public mind was, that if a certain number of medical witnesses, generally called mad doctors, had come into court and said that in their opinion the prisoner was insane when he committed the act, the trial was to be stopped—*cadit questio.* He agreed with his noble and learned Friend who spoke second, that the questions as to the prisoner's sanity ought not to have been put to them—that was a question for the jury, and not for the witnesses. It would be most dangerous if it were to go abroad that the mere expression of a medical man's opinion must be taken as conclusive. He knew a very distinguished medical practitioner, Dr. Haslam, who went a great deal further than the other gentleman referred to by his noble and learned Friend who had spoken last. Dr. Haslam said, " not that there were many who were more or less insane, or that all of us had been insane at one period of our lives, bnt that we all were insane. [Lord *Brougham;* " I have heard him say it."] He had heard him say it repeatedly, and Dr. Haslam would have been ready to prove it. It would be a most dangerous latitude of construction, to allow any person to call himself insane, and plead impunity for a murder committed in open day. The trial to which his noble and learned Friend on the Woolsack referred was very different indeed from that of M'Naughten. It was proved on the former occasion that Hatfield had been in the army, had received a severe wound on his head, and been discharged from a military hospital for being insane. Within three days of committing the act for which he was tried, he believed himself to be the Supreme Being, and at other times uttered the most dreadful blasphemies. Within a few hours before, he made an attempt on the life of his own child, only eight months old, whom he most tenderly loved. Lord Kenyon, with the approbation of the whole country, stopped the trial, and the prisoner was from thenceforth an object of compassion, and not of punishment. He entirely concurred in the view taken by his noble and learned Friend who spoke last. He thought the law of England on this subject admitted of no alteration. As the law now stood, partial insanity did not give any immunity from punishment, and as this was a subject which excited much interest, he would beg permission to read to their Lordships a short extract from the treaties of Hale on this subject:

> "Partial insanity is no excuse; this is the condition of very many, especially melancholy persons, who, for the most part, discover their defect in excessive fears and griefs, and yet are not wholly destitute of the use of reason; and this partial insanity seems not to excuse them in the committing any offence, for it is matter capital. It is very difficult to determine the indivisible line that divides perfect and partial insanity; but it must rest upon circumstances duly to be weighed and considered both by judge and jury, lest on the one side there be a kind of inhumanity towards the defects of human nature, or, on the other side, too great an indulgence given to great crimes."

As partial insanity did not excuse from punishment, it was necessary to prove that the person was labouring under a delusion at the time, which led to the commission of the act, and that he was not conscious of the distinction between right and wrong, as to observing the law or violating it. He agreed with what Lord Coke had said, that to execute a madman was a miserable spectacle, contrary to humanity and justice, and, above all, offering no example to others; it would excite the horror of mankind, and would only serve to introduce confusion of right and wrong, and bring the administration of justice into open disgrace. But then he (Lord Campbell) did heartily desire that the law might be laid down in a more authoritative manner, and for that reason he perfectly agreed with the expediency of the suggestion made by his noble and learned Friend of calling the judges together. The public mind was in considerable alarm on this subject. The public had been inundated by medical books calculated very much to mislead juries in the case of future trials of a similar kind. Those books spoke of what they were pleased to call a homicidal propensity, and contended that no man, under the influence of such a homicidal propensity, should be held liable for his acts. Dr. Alison, speaking on the subject, said:—

> "Few men are mad about others, or about things in general, but many are mad about themselves; though a man understand the difference between right and wrong in the case

of others, he may be under a delusion with respect to his own case, and thus be in a state of mental alienation, which makes him not responsible for his own acts."

And, again, the same writer said:—

> "For example, a mad person may be aware that murder is a crime, but may believe that a particular homicide is in no way blameable, because he may believe that certain persons have entered into conspiracies against him, or that some one person may be his mortal enemy."

Now, if this view of the case were at all correct, there was no doubt that a man, acting under the influence of unfounded jealousy, might murder the object of his suspicion, and afterwards be acquitted on the ground of insanity. For these reasons he wished that the law might be laid down in an authoritative manner by the judges. He had looked into all the cases that had occurred since Arnold's case, and looking to the directions of the judges in the cases of Arnold, of Lord Ferrers, of Bellingham, of Oxford, of Francis, and of M'Naghten, he must be allowed to say, that there was a wide difference both in meaning and in words in their description of the law. He would repeat, therefore, that an authoritative statement of the law would be highly desirable, and, if necessary, a declaratory act should be passed. There was the case of Wood, mentioned by Lord Erskine. The man was supposed to be insane, and under that belief was confined in a lunatic asylum in London. He indicted those who had taken him into custody, and at the trial he was cross-examined for more than an hour with a view of showing his insanity, but so cautious was he that he completely baffled the counsel who conducted the cross-examination. At last the right spring was touched, and the insanity of the prosecutor clearly disclosed. This was at Westminster; and the prosecutor then laid an indictment at London. He was now on his guard, and no cross-examination was able to betray him into a manifestation of insanity. The only mode of proving the man insane was to call the short-hand writer, who read his notes on the former trial, from which it appeared that the prosecutor had said he was the redeemer of mankind, or some other phrase which implied a delusion of an equally striking kind under which the man was labouring. There was only one more subject to which he was desirous of referring, namely, the manner in which these unhappy people were treated who were acquitted on the plea of insanity. The present plan was most mischievous. The person so acquitted was confined in Bedlam, where he became a public character; and not only an object of curiosity, but even of courtesy and respect. He believed, that these cases had multiplied of late from a desire to obtain the comfort, the notoriety, and the indulgences which were supposed to be enjoyed by individuals acquitted on such grounds. A man acquitted on the score of insanity ought to be removed from the public eye, and heard of as little as possible afterwards. With these remarks, he would leave the subject entirely in the hands of his noble and learned Friend, with whose views he entirely concurred.

The *Lord Chancellor* said, there would be no necessity of legislating as to the disposal of persons acquitted on the ground of insanity, as the law already gave her Majesty the power of confining them in such a manner as she might consider most advisable for the safety of the public. The subject had attracted the attention of her Majesty's Government, and they were of opinion that an individual so circumstanced ought not to be made a public spectacle of in his confinement. As it was their Lordships' wish that the judges should be summoned to give their opinion, he would take great care that they should be called.—Their Lordships adjourned.

HOUSE OF COMMONS,

Monday, March 13, 1843.

Minutes.] New Writs Ordered.—For Ripon in the room of Thomas Pemberton, Esq. Steward of the Chiltern Hundreds.—For Cambridge Borough, in the room of Sir A. C. Grant, Bart. Steward of Poynings.

New Members Sworn.—Charles Newdigate Newdigate, Esq., for Warwick County (Northern Division).—James Matheson, Esq., for Ashburton.

Bills. *Public*—1° Mutiny; Marine Mutiny.

2° Pawnbrokers Trade (Ireland).

Private—1° Bardney, etc. Drainage; Aberdeen Harbour; St. Helens Waterworks; Eglwysehos, etc. Inclosure; Liverpool Fire Prevention; Glasgow and Three-Mile-House Road; Leeds Gas; Mildenhall Drainage; Edinburgh and Glasgow Union Canal.

2° Carmarthen Markets; Glasgow City and Suburban Gas; Grafton Inclosure; Imperial Continental Gas; Cromford and Belper Road; Lady Fleetwood's Naturalization; Samwells name; Sheffield, Ashton-under-Line and Manchester Railway; Brighton and Hove Gas; London and Brighton Railway.

Petitions Presented. By Mr. Dugdale, Mr. Holmes and Mr. Stuart Wortley, from Birmingham, Salop, Coventry, Weldon Wentnor, Heptonshall, and Northumberland, against the Union of the Sees of St. Asaph and Bangor.—By Colonel Sibthorpe and Mr. Escott, from Portsmouth, Maryport, York, Lincoln, Brecon, Gloucester, and Lichfield, against the Ecclesiastical Courts Bill.—By Sir G. Staunton, from Havant, Bath, Winchester, and the Society for the Prevention of Cruelty to Animals, against Dog Carts.—By Sir D. Norreys, and Mr. F. French, from Tybohan, Elphin and Doneraili, for the Repeal of the Irish Poor-law Act.—By Mr. S. Crawford, from Felling, Harwich, and Rochdale, for the Total and Immediate Repeal of the Corn and Provision Laws.—By Mr. Plumtree, from the Isle of Thanet, Easingwold, Crickhowell and East Ashford, for the Repeal of the Births, Deaths, and Marriages Registration Act.—From Artagh, and Pohahan, in favour of the Medical Charities (Ireland) Bill.—From Norwich, against a Part of the American Treaty.—From Wigtown, for Relief to Schoolmasters in Scotland.—From Bandon, Brinny, and Desertmore for Inquiry into the working of the New Poor-law.—From John B. Buckstone, for the Repeal of an Act concerning Theatrical Entertainments.—From Coventry, and Abdon, for Church Extension.—From Birmingham, for Provision for Chaplains to Colonial Bishops.

Earthquake in the West Indies.] Mr. *Mackinnon*, seeing the noble Lord the Secretary of State for the Colonies in his place, wished to ask him a question which deeply affected the West Indian interests, and more especially the inhabitants of the island of Antigua. At a large meeting which took place on Saturday last, he was requested to put a question to the noble Lord, in consequence of the very awful calamity which had recently befallen those islands. The question he wished to ask the noble Lord was, whether or not it were the intention of her Majesty's Government to make an advance on a loan to the proprietors of the island of Antigua who had suffered so severely by the late earthquake, and also whether it were the intention of the Government to advance, not as a loan, but as a grant, a sum of money for the purpose of rebuilding the cathedral and all the public buildings of Antigua, which had been levelled to the dust by the late severe visitation?

Lord *Stanley* said, that in answer to the question put to him by the hon. Gentleman, he begged to say that on Thursday last the Government for the first time received information, and that not in a detailed manner, of the dreadful visitation which had come upon the West India colonies. It appeared that the event took place on the 8th of February, and the last accounts which had been received from the West Indies were dated the 10th and 13th of the same month; it must be, therefore quite clear to the House, that the accounts as yet received must be very imperfect as to the extent of the distress and loss occasioned by this calamity. At the same time, he had no reason to believe that the account which his hon. Friend (Mr. Mackinnon) had received of the event was at all exaggerated. By the interposition of Providence, the loss of life had been very small, but the House must be prepared to learn that there had been an extremely large amount of damage sustained, both of public and private property. It was satisfactory to know, that throughout the colonies of Antigua, St. Kitt's, Montserrat, and Nevis, from which accounts had been received, the best possible spirit prevailed among all classes of the population, and that in Antigua, where the distress had been most severe and the damage great, all classes were exerting themselves in the most praiseworthy manner, and co-operating, not only for the prevention of riot and disorder, but in providing such temporary remedies as could be applied to a calamity which was peculiarly aggravated, because falling on the machinery of the colony when the crops were about to be manufactured. He felt he ought not to omit this opportunity of adding, that in a despatch he had received from the Governor, Sir C. Fitzroy, and which he had the commands of her Majesty to lay on the Table, testimony was borne highly creditable to the labouring population of the islands, not only with regard to their abstinence from all plunder and riot, but, although material sufferers themselves, all of the most respectable among them had associated together, and bound themselves by a voluntary agreement, notwithstanding the extraordinary demand for labour, not to ask or accept anything above the ordinary average amount of wages in the colony. With regard to the questions which had been asked, he did not know that he could give any definite answer at the present moment. At the same time, he could feel but little doubt that when the details of the calamity should be received in this country it would be his duty to ask the House for some assistance, in the way of loan, in order to enable the colony to sustain the heavy calamity with which it had been visited. Of course, with regard both to the amount and the conditions of that loan it would be premature in him, as it would be impossible now, to make any statement to the House. He would only say, that if any assistance should be asked, it would be not in the shape of a grant but of a loan, to enable the colony to sustain its credit at the present crisis of affairs.

Law of Naturalisation.] Mr.

Hutt asked the right hon. Baronet the Secretary of State for the Home Department whether he should have any objection to appoint a Select Committee to inquire into the state of the law affecting aliens residing in this country?

Sir *James Graham* said, that with reference to the expediency of such an inquiry, he certainly should have no objection to the appointment of a committee, to be limited to a certain extent. He was not prepared to submit to a Select Committee the constitutional question whether or not it would be expedient to repeal so much of the Act of Settlement as precluded the right of aliens sitting in Parliament or in the Privy Council. Under that limitation he had no objection to submit to a committee the question whether it was expedient to grant the rights of naturalization, by act of Parliament or by letters patent, to be granted by her Majesty, under the responsibility of her Majesty's Privy Council.

COMMERCE WITH SPAIN.] Mr. *Hindley* asked whether it were true, that the Portuguese government had offered to allow the introduction of our cotton manufactures at a certain *ad valorem* duty, provided we admitted their wines at the same *ad valorem* duty? He also wished to know whether the right hon. Baronet, the First Lord of the treasury, could now give any explanation as to the state of our commercial negotiations with Spain?

Sir *R. Peel* replied, that communications had passed between this Government and the Spanish and Portuguese governments, with the view of promoting the increase of commercial intercourse; but, those communications not having been brought finally to a close, it was not at all consistent with his duty to state the effect of any of the proposals that had been made.

EMIGRATION—BOUNTY NOTES.] Mr. *Ewart* wished to ask a question of the noble Lord the Secretary of State for the Colonies. It had been the custom of some of the colonial governments to issue bounty orders for the encouragement of emigration. These orders had been recently suspended, and he wished to ask whether it was intended, that these orders should be renewed or permanently discontinued?

Lord *Stanley* was understood to say, that this was a matter more particularly resting with the colonial governments themselves, and that recent experience had led them to doubt, whether they should not introduce some important modifications into the present system. An inquiry had been instituted into the subject, but the result was not yet known.

Mr. *Ewart* had understood that some modification of the system was to be introduced.

Lord *Stanley*: According to the last accounts he understood, that a great difference of opinion existed upon the subject.

BARRACKS AT BOLTON.] Dr. *Bowring* said, before the motion was put for going into committee of supply, he desired, for his own justification, to set himself right with the House and the public generally, with respect to some statement which he made during the debate on the Ordnance estimates. In the discussion on the Bolton Barracks it was stated, that the measure had received the approbation of all parties, and that the Government had, in fact, been requested to station troops and erect barracks in that locality. When the question was entertained, in November, 1841, the right hon. Baronet, the Secretary of State for the Home Department, wrote to the mayor of Bolton a most temperate and appropriate letter upon the subject. The magistrates of Bolton, however, on receiving this communication, called together the principal rate-payers of the town, and resolutions were adopted, which showed that they were decidedly opposed to the erection of barracks. The hon. Member then read the resolutions. The resolutions stated, that the conduct of the inhabitants, under their unexampled privations, had been such as to show, that no military force was necessary; that the rate-payers viewed in the movement an alarming indication of the intention of Government to bring the country under a system of military despotism, having for its object the maintenance of an abuse; and that they were of opinion, that it was not desirable to assist in any arrangements having for their object the making Bolton a military station. He would not intrude any longer upon the House, as he thought he had said enough to show that he was justified in stating what he had done, that public opinion in Bolton was unfriendly to the erection of the barracks.

Mr. *Ainsworth* wished to make a few remarks in reference to what had fallen from his hon. Friend and Colleague. The meeting to which his hon. Colleague alluded had certainly taken place, but there were only nineteen individuals present, and many of these held extreme opinions. From what took place immediately after the meeting, the House would judge how far it was the opinion of the inhabitants of Bolton that the military should be withdrawn. The mayor of Bolton wrote a letter to Colonel Wells, transmitting him a copy of the resolutions agreed to at the meeting, but stating that he (the mayor), and his brother magistrates, were of opinion, that there was a necessity for the military to remain in Bolton. The mayor and those magistrates were not Tories, but had been appointed by the late Government, and held, many of them, Liberal opinions. The hon. Gentleman read a letter of similar import, addressed to the Secretary of State and Captain Woodward, stating that the shambles had been hired for the use of the military. There was also a subscription among the inhabitants of the borough to provide the expense of that temporary accommodation to the military; and he could acquaint his hon. Colleague, that men of all parties in the borough contributed their mite, and that a sum of 128*l.* was received for that accommodation. Last year the borough of Bolton was visited by a lawless mob, who took possession of the town for a whole day, ransacked the provision shops, and turned out the quiet workmen. The mayor exercised a wise discretion in sending for the military, for it would have been impossible to have driven out these disturbers of the public peace without their assistance. A very extraordinary circumstance connected with the meeting to which his hon. Colleague had alluded, was, that one of the individuals who attended that meeting, was one of the first to send for the military when his house was attacked. The communication to which he now alluded, he had received that morning from the town clerk of Bolton, and it fully confirmed what he had stated on Monday last.

Dr. *Bowring* had understood his hon. Colleague to say, that he was authorised to express to the Government the concurrence of the borough in the erection of the barracks. He had received a communication from the town clerk, in which he stated, that he had never sent any such letter.

Mr. *Ainsworth* said he had also received a communication from the town clerk on the same subject, so that that Gentleman must have forgotten the circumstance. The facts were, that an application was made to the Home Secretary, to allow new barracks to be built, instead of repairing the old ones. This he refused; but in consequence of the feeling in the borough about retaining the troops, he had no objection to their remaining, provided the authorities would appropriate some money to the repairs of the old barracks.

CHARTIST TRIALS AT LANCASTER.] On the Order of the Day being read, for the House to resolve itself into a committee of Ways and Means,

Mr. *Milner Gibson* said, he wished to put a question to the right hon. Baronet opposite (Sir J. Graham) with respect to certain proceedings which had taken place at the recent Chartist trials at Lancaster. Any one who had read the evidence adduced on those trials must have perceived that numerous attempts were made to drag in the names of parties who had taken an active part in opposition to the Corn-laws, and who had supported the Anti-Corn-law League. Endeavours were made to excite an impression, that these parties were the originators of those disturbances which took place a few months since in the manufacturing districts; but the attempts failed most completely and signally. The attempts to which he referred were of such a remarkable character, that they elicited an observation from the learned judge, who said—

> "I have not been able to understand what the introduction, which has been made several times, of the names of parties connected with the Anti-Corn-law League, and of other parties, can have to do with the present question."

A similar feeling was entertained by a great number of persons who were present during the trial; they felt that an attempt was made to inculpate parties who, not being before the court, did not possess the means of refuting the accusation. One of the witnesses who gave evidence of this nature was a person named James Wilcox, who was called for the prosecution by the Attorney-general, and upon his cross-examination by Mr. Feargus O'Connor, an attempt was made to draw statements from him.

Mr. *B. Escott* wished to know whether the hon. Member for Manchester was in order in thus introducing a question arising upon a trial which took place in a distant part of the country?

The *Speaker:* The hon. Member for Manchester is in order, there being now a question before the House.

Mr. *Milner Gibson* continued:—The Attorney-general called as a witness for the prosecution a person named James Wilcox, who stated as it appeared to him from a perusal of the trial, some very unimportant facts, but in the cross-examination of this witness by Mr. Feargus O'Connor, an attempt was made to draw from him statements calculated to inculpate the Anti-Corn-law League. This witness stated in the course of his examination, that previously to the trial he had been in correspondence with the right hon. Baronet the Secretary of State for the Home Department, and he (Mr. Gibson), wished to ask that right hon. Gentleman whether he would object to lay on the Table of the House any letters or correspondence which had passed between himself and Mr. James Wilcox. Although he had no doubt, that all the proceedings connected with the recent trials had been perfectly regular, he must confess he regarded it as extraordinary, that the right hon. Baronet (Sir James Graham), who was subpœnaed by Mr. Feargus O'Connor as a witness for the defence, should have been allowed to leave Lancaster on condition that Mr. James Wilcox, a witness for the prosecution, should be called in his stead. He thought it strange that one of the defendants should substitute a witness for the prosecution for a person whom he had subpœnaed in his own defence. He had derived the information which he possessed on this subject from reading the reports of the trial in the newspapers, and if he had mis-stated any fact he hoped that some hon. Member would correct him. He had no doubt the proceedings had been quite regular; but he wished to know whether the right hon. Baronet would object to the production of the whole correspondence on the subject?

Sir *J. Graham* would endeavour to answer the question of the hon. Member as far as the circumstances to which he had referred came within his own knowledge. He had been informed just before he came down to the House that the hon. Member for Manchester intended to put a question to him as to his correspondence with a person named Wilcox. He did not remember ever to have heard the name of that person until he was present in the Court-house, at Lancaster, upon a subpœna which he received from one of the defendants, in the recent trial, when the Attorney-general informed him that his presence was no longer necessary, as an arrangement had been made that a person of the name of Wilcox should be called in his place. His hon. and learned Friend (the Attorney-general) would state the circumstances which led to that arrangement. Until the name of James Wilcox was mentioned on that occasion, he (Sir J. Graham) was not aware that he had ever heard of that person, but it was now stated that in the course of the last autumn this individual addressed a letter to him. He (Sir J. Graham) had searched the public records of his office, as well as his private correspondence, and he could discover no trace of the receipt of any such letter, or of any answer having been returned. He could assure the hon. Member that, not only could he find no trace of such correspondence, but that he had not the slightest recollection of the receipt of any letter from a person of the name of Wilcox. At the time of the outbreak he received very numerous communications by letter from the disturbed districts, but he was in the habit of sending all letters bearing upon the transactions to the solicitor who was employed by the Government to institute prosecutions. He had not had an opportunity of communicating with that officer since the hon. Member for Manchester intimated his intention of proposing this question; but he would apply to him, and perhaps he might possess some knowledge of the letter referred to.

The *Attorney-general* said, as the hon. Member opposite had expressed surprise that a witness for the prosecution should have been accepted by one of the defendants in the place of the right hon. Gentleman, it might be satisfactory for him to state to the House the circumstances under which the arrangement was made. The right hon. Baronet (Sir J. Graham) was subpœnaed by one of the defendants to attend at Lancaster, and he accordingly proceeded there, although his absence from town was attended with great inconvenience to the public service. Some communication took place between him (the Attorney-general) and the hon. Member for Sutherlandshire (Mr. D. Dundas), who appeared for one of the prisoners; and he was informed that as the presence of the right hon. Baronet was required in London, it was intended by the defendant to call in his place a person named Wilcox, who, it was supposed, was in attendance as a witness for the prosecution. A communication was made to him (the Attorney-general) that if it was intended to call Wilcox, Mr. Feargus O'Connor was willing that the right hon. Baronet (Sir J. Graham) should return to London, as he expected to get from Wilcox all the information he wished to obtain from the right hon. Baronet. His (the Attorney-general's) intention was, from a regard to the interests of the country, to have examined Wilcox, irrespective of any such arrangement as that to which he had alluded. The hon. and learned Member for Sutherlandshire also conceived that the further attendance of the right hon. Baronet would be unnecessary; and he (the Attorney-general), therefore, publicly informed the learned judge of this arrangement. He could not recollect, at this moment, for what precise object Wilcox was called on behalf of the prosecution; but he did remember that his evidence was necessary for the identification of some of the defendants with certain transactions which occurred during the outbreak in Lancashire. Wilcox was examined for the prosecution, and he was then cross-examined by Mr. O'Connor with reference altogether to certain communications made by him to the Home Department. He had objected at the time to this line of examination, stating that although he did not wish to place Mr. O'Connor in a worse position than he would have been in had his right hon. Friend (Sir J. Graham) been examined, he must put it to the Court whether, if that right hon. Gentleman had been under examination, he could have been called upon to produce the communications to which reference was made; and the learned judge decided that if those communications were made to the right hon. Gentleman in his official capacity, he could not be required to produce them. He could assure the House that, throughout the proceedings, he had objected to all questions which could tend to inculpate parties who were not before the Court. Any hon. Member who had read the proceedings attentively, must have observed that he (the Attorney-general) had, while he endeavoured to bring distinctly before the Court the proceedings of the defendants of which he complained, cautiously and religiously prevented, as far as he could, the utterance of any reflection upon absent persons, and the moment an attempt was made to elicit evidence reflecting on absent persons, with regard to whom such evidence would have been a calumny, he interposed all the authority which he possessed in order to confine the investigation to the single judicial purpose for which it was instituted.

Mr. *M. Gibson* had not imputed to the hon. and learned Attorney-general, as the prosecutor in the cases to which he had alluded, any desire to inculpate absent parties. Having read the evidence throughout he was willing to admit that the hon and learned Member did, on many occasions, prevent witnesses from making statements which would have tended to criminate persons who were not present; but he adhered to his former statement, that in the course of the trial attempts were made of so marked a character [*cries of* "order,"] to drag in the names of absent individuals [*renewed shouts of* "order"], that the learned judge——

The *Speaker* said, the hon. Member must be aware that he could not again address the House on the subject on which he had before spoken.

Mr. *T. Duncombe* thought it right to state that he had received several communications with reference to the trials to which allusion had been made, and he was bound to say that the conduct of the Attorney-general had given universal satisfaction to men of all parties.

THE HALIFAX BOARD OF GUARDIANS.] Mr. *Ferrand* rose to move, as an amendment, for

"A list of the guardians of the Halifax Union who assembled at the Board on Wednesday, the 1st day of March instant, specifying the *ex officio* guardians from the elected guardians; also a list of the guardians who were not present, specifying the *ex officio* guardians from the elected guardians; also the name of the Assistant Poor Law Commissioner who attended the board; also a copy of their minutes and proceedings as well as of the resolutions adopted by the board; also a copy of all notices given at any preceding meeting of the board relating to any proceeding or resolution adopted by the board of the 1st day of March."

He felt that in bringing forward this motion he owed some apology to the House and to the right hon. Gentleman the Chancellor of the Exchequer. He had, a few days ago, requested the production of certain papers relative to the proceedings of the Halifax Board of Guardians, and if the right hon. Baronet (Sir James Graham) had acceded to that request it would not have been necessary for him to adopt his present course. In the discharge of his parliamentary duties he (Mr. Ferrand) had deemed it necessary to allude to the conduct of Mr. Clements, an Assistant-Poor Law Commissioner. He stated that, from information he had received from private sources, and from public papers, he considered that Mr. Clements had conducted himself in an insolent and overbearing manner in attempting to enforce the Poor Law in all its rigour. Mr. Clements, while acting at the Halifax Board of Guardians had thought proper to assist in passing a vote of censure upon his (Mr. Ferrand's) conduct for having alluded to him in the House. He understood that there was reason to believe that that meeting, at which eighteen guardians attended, was not convened by a proper notice issued by the clerk to the whole body of guardians. At that meeting the board of guardians resolved that a strong athletic man should be appointed, at a weekly salary, to act in the capacity of taskmaster, for the purpose of applying a more severe test to the out-door labourers. It would be found that the board of guardians having, with the sanction of Mr. Clements decided upon adoping a more severe test in respect of out-door labour, had also decided upon adopting a more severe test within the workhouse. The question was brought before the board how that test could be most advantageously enforced, and different plans having been proposed, that of a treadwheel was discussed, and how many men it would employ. This treadwheel the board of guardians directed to be erected, and a member of the board undertook to see it erected. He had stated that some time ago, when he last addressed the House on this subject. The right hon. Baronet (Sir J. Graham) stated that it was not so, and that instead of a treadwheel to be applied to a rack machine, there was only to be erected a hand-mill for corn. He next day received more information from another person. The right hon. Baronet, however, again said that the mill was only a corn-mill, and that he was told that by the Poor Law Commissioners. The board of guardians of the Halifax Union had passed a resolution reflecting on words used by him in the discharge of his duty to his constituents and to the country—a resolution which had been brought to the board from his own house by one of the *ex officio* guardians, and this was passed by the board of guardians, Mr. Clements, the Assistant Poor Law Commissioner, assisting at the meeting. The same day an order was passed with the sanction and approbation of Mr. Clements, for excluding the reporters of the public press from the board-room during the meetings of the board. But what sort of a corn-mill had been erected, did the House think? Why, none at all; but, instead, a rag machine had been erected, for the purpose of grinding rags obtained from the poor of the towns on the continent, and impregnated with all manner of contagion and filth, and he was told that the stench was so great, and the dust arising from the grinding so oppressing, that they had the greatest difficulty in parts of Yorkshire, where rags of this kind were ground for purposes of fraud by the cloth manufacturers, to get persons to undertake the work. But, in order to make this more of an infliction on the poor pauper, the wheel was to be worked by capstans, which were to be turned by the poor like horses. These capstans were to be worked at not only by the feet, but by the hands and breasts. According to the opinion of a medical gentleman whom he had seen, it was highly injurious to the health to labour in this way, and was likely to end in apoplexy. This was the sort of mill which was about to be erected in the Halifax union workhouse for the employment of the poor there, either with or without the knowledge of the Poor Law Commissioners; if they knew of it, then they had deceived the House in the statement which they had authorized the right hon. Baronet to make in his place; if they did not know of it, then they had neglected their duty. But he would call the attention of the House to a corn-mill within a stone's throw of the place where they were sitting. In the Lambeth union workhouse a corn-mill had been erected, for the purpose of more severely testing the labour of the poor; and he asked the House to decide, that night, whether such things were to be suffered in this country or not. At this corn-mill, in the Lambeth union workhouse, he found it was intended that sixty-four persons were to work at once; sixteen at indoor labour, and forty-eight at outdoor. The mill was worked by one crank, which was so large that every time these poor wretches worked they must bend with their hands to the ground. The mill was under a shed. And what was the object of this contrivance? Why, whenever a poor person came to the workhouse to ask for a loaf of bread, he was to be shown these poor wretches working at the crank under a shed. But another exposure had taken place. In a leading article of the *Times* newspaper of that day it was stated, that within the last seven years 9,315 persons had been committed to prison in England and Wales for offences against the rules and regulations of union workhouses, and that in the year 1842 no fewer than 2,299 persons had been imprisoned in her Majesty's gaols for breaches of those rules and regulations. Sir J. Graham had insinuated that he had stated in the House what was not true, and the right hon. Baronet called on the House not to place too much confidence in what he said. Now, whatever he might think of the right hon. Baronet's conduct to him, a supporter of her Majesty's Government, as he had been, whenever he conscientiously could be, he had to tell the right hon. Baronet that the question was between the right hon. Baronet and himself which of their statements coincided with truth. If the right hon. Baronet could induce the House to agree to refuse these resolutions, still he (Mr. Ferrand), it must be remembered, was courting every inquiry. He desired nothing more than that the matter should be sifted fully, and that the right hon. Baronet and himself should be placed fairly before the country. If the right hon. Baronet succeeded in refusing the papers, the country would conclude that he was convinced that the production of the papers would show not only so much cruelty, and such ill-treatment of the poor that it would not be expedient to produce them, but also that if the poor did not like to enter an union workhouse, they had nothing left to look forward to but the right hon. Baronet's corn-mill.

Sir *J. Graham* hoped the House would agree with him that on the present occasion it would not be expedient that he should follow the hon. Member for Knaresborough into any of the new matter that he had adduced. The hon. Member had raised the question for the first time of the Lambeth Union workhouse. He did not intend to follow the hon. Member into that subject. He had had no opportunity of testing the accuracy of the hon. Member's information. Much less did he intend to follow the hon. Member to the leading article of *The Times* newspaper, or into anything which might have been stated there that morning. It would be much better, in his opinion, to confine himself to the motion before the House. The hon. Member had charged him with saying, that he (Mr. Ferrand) had made an untrue statement to the House. His respect for the House—he had almost said for himself—would have prevented him, he trusted, from doing any such thing; but he did say, that from the zeal of the hon. Member he adopted such exaggerated statements, that without the hon. Gentleman's meaning it, if the House were to affix any credit to those statements they would infallibly be mistaken. The real question upon the present occasion was, not as to the intended erection of a rag-mill in the Halifax Union workhouse; it was not whether the mill was to be turned by a capstan or any other power; but the House would remember that the statement of the hon. Member was that a treadmill was erected there. [Mr. *Ferrand*: I said a treadwheel.] He understood it to be a treadmill, according to the hon. Member's statement, and the hon. Gentleman went so far as to say that the workhouses were to be made prisons of; and he, taking the usual acceptance of the term "treadmill," positively denied, as far as he was informed, that any treadmill was to be erected in the workhouse in question. The hon. Gentleman had that evening wandered away to a rag-mill; but this was not much to the purpose, because he did not say that no mill had been erected; he did say that the mill in question was to be worked by hand. He believed that it was to be applied to the grinding of corn. He was mistaken. The mill was not to be applied to grind corn, but rags; with that exception he was satisfied that his first statement to the House was not in the least incorrect. The right hon. Gentleman then read a letter from Mr. Clements, in which he stated that the guardians of the Halifax Union had taken steps for the erection of a handmill for the purpose of giving work to the paupers who had no objection to remain in the workhouse. He was glad, the right hon. Gentleman continued, to see the hon. Member for Halifax (Mr. C. Wood) in his place, because he (Sir J. Graham had received a letter from a gentleman who appeared to be a member of the Halifax board of guardians, and who referred him to the Member for Halifax for his respectability. The Gentleman's name was Holston, and he said, that having observed it stated that the board of guardians of the Halifax Union proposed to erect a treadwheel in the workhouse, and that Mr. Clements had not prevented it, he could only say that no such thing had taken place, and that, if there had, every member of the board would have scouted it. It was true a rag-mill had been erected. With the exception, therefore, that the mill was intended for grinding rags instead of corn, he appealed to the House whether his original statement were not correct, and whether the hon. Gentleman had not failed in making out his case? In fact, he considered that this motion was the same substantially as that which the hon. Gentleman brought forward the other day, and which the House rejected by so large a majority; and, although, strictly speaking, there might have been some breach of privilege involved in the conduct of the board of guardians of the Halifax Union, he thought it highly inexpedient that they should embark on a voyage of discovery for a breach of the privileges of the House under the auspices of the hon. Member for Knaresborough. He repeated, that, although there might have been some irregularity in the board of guardians entering into the consideration of the speech of a Member of that House, the utmost charge was that Mr. Clements was present at the board during the discussion, though he was no party whatever to the vote; and with respect to the charge that Mr. Clements had shown an insolent demeanor and oppressive conduct at the board, he did think, if such a statement fell from an hon. Member in that House, that should the guardians have noticed the injustice and inaccuracy of the statement, whatever technical error they had committed by naming it, they had not morally committed any great offence when they came to a resolution negativing the charge. He hoped the House would come to the same resolution as it did on a former evening. He would be unwilling to meet the motion by a direct negative; but that was not necessary; the House had only to persist in the motion, that the Speaker leave the Chair, and that would be the easiest and safest course to escape the difficulty in which the hon. Member sought to involve them.

Mr. *C. Wood* rose only to state, that Mr. James Holston was one of the guardians of the Halifax union, upon whose opinion and testimony the utmost reliance could be placed. The board of guardians were unanimously of opinion, that the conduct of Mr. Clements was in no way whatever liable to the imputations made against him. They were the only persons competent to judge of his conduct, and this was their opinion.

Mr. *Ross* had stated the other night, that Mr. Clements attended the board in consequence of some sort of complaint; he was in error, as there had not been a complaint against him. It was his duty to attend the board, and when there the resolution was moved, but he was no party to it. When the hon. Member for Knaresborough had first brought forward this matter, he had stated he was convinced, that Mr. Clements would be anxious for every inquiry. He spoke this in his zeal to preserve Mr. Clements' character; but after the right hon. Baronet (Sir James Graham) had spoken, he had felt he was in error, and had sacrificed his consistency to his sense of propriety by voting against the motion for inquiry, and he regretted that he had misled some hon. Members into being caught voting with the hon. Member for Knaresborough. Mr. Clements was now in town, and he would only offer to the hon. Member to be the medium of introducing him, and then let them settle the matter.

Mr. *R. Yorke* did not find that there had been any positive contradiction given to what the hon. Member for Knaresborough had asserted. It seemed there had been a meeting—a packed meeting as he called it, from not having been regularly summoned, of the board of guardians, at which was passed the resolution in question, which the hon. Member said had been brought ready cut and dried from his own house by one of the *ex officio* guardians. Now this looked, he must say, very much as if the resolution had been preconcerted, and if preconcerted, it was not impossible, that it might proceed from personal motives; and that possibility appeared the more striking, when they found that the board of guardians had since refused the reporters of the public press admittance to their proceedings. Consequently, though on the last occasion on which this subject was before the House, he had voted against the hon. Member for Knaresborough, and though it was not his wish to give a wild vote, yet, acting independently, and seeing no inconvenience likely to arise from the production of these papers, he should vote for the amendment of the hon. Member.

Mr. *C. Wood* wished to say, that he considered the hon. Member for Knaresborough was mistaken as to the resolution.

Mr. *B. Escott* thought the hon. Member for Knaresborough could answer himself, and overturn his own argument, for as related to the use of the treadwheel, the motion of the hon. Gentleman could not be sustained upon any substantial ground. As to the exclusion of reporters, the board of guardians were authorised to adopt that course by the powers vested in them by Parliament. He could not, therefore, vote for the motion of the hon. Member for Knaresborough, after the substantial ground of the motion was taken away.

Mr. *Wallace* considered it a matter of great importance, that there should be no concealment in matters relating to the manner in which the poor were treated in the union workhouses. If, as it was calculated, 1,500,000 persons were subjected to the regulations by which the union workhouses were regulated, it was the imperative duty of English Gentlemen to look to the regulations to which they were subjected. He was sorry that the question of privilege should be in any way mixed up with the present motion, and he would, therefore, not address himself to that point, but with respect to the use of a mill—whether the motion was upward or downward, or backward or forward, it did not signify—if labour in that shape was imposed, the matter ought to be inquired into. If it were a mill for grinding rags, or for making what the hon. Member for Knaresborough called last year "the devil's dust," to be used as manure, or for other purposes, nothing could be more unwholesome or destructive to the human frame. The question was of additional importance, inasmuch as it was in contemplation to introduce Poor-laws into Scotland, and it was desirable that the people who were likely to be subject to its operation, should know the manner in which it was intended to employ them. He hoped the noble Lord, the Member for Dorsetshire, who had rendered such service to his country by taking up the questions of factories and mines, would take care to see that the poor people of this country should not be engaged in such an unwholesome employment as grinding rags into dust. With this view of the case, he would support the motion of the hon. Member for Knaresborough.

Mr. *John S. Wortley* objected to the motion. If the House wished to obtain information respecting the machinery used for the purposes of labour in the Halifax Union, the proper mode would be to move for any communications on the subject between the Poor-law Commissioners and the board of guardians of Halifax. If such a motion were made, he was sure the right hon. Baronet, at the head of the Home Department, would not object to it.

Mr. *Ferrand's* only object was to let the House and the country know what had taken place. He found, that there was a treadwheel ordered for the Halifax Union, which was to hold from four to forty persons. He did not know what had since occurred, and he would take no steps to bring Mr. Clements to the Bar of the House, if the papers were produced.

Mr. *S. Crawford* felt himself bound to vote for the motion, with a view to obtain information as respected the manner in which the poor were treated in the workhouse; but, in voting for the motion, it was not the wish to go into the privilege question.

Mr. *Hume* would support the motion of the hon. Member for Knaresborough, on the ground, that when there were any complaints as to abuses, with respect to the labour done in workhouses, no attempt at secrecy should be made by excluding the press. Under such circumstances, inquiry became incumbent, and, therefore, the right hon. Baronet (Sir J. Graham) ought not to object to the production of the papers asked for by the hon. Member for Knaresborough.

Sir *J. Graham* would admit, that if abuses were alleged to exist in the practice of any union workhouse, it was fit and proper, that the House should inquire into the subject; and if the hon. Member for the West Riding of Yorkshire (Mr. Wortley) wished to move for papers relating to the nature of the wheel used and the work done in the Halifax workhouse, there would be no objection to their production; but the motion of the hon. Member for Knaresborough referred to the production of the resolution of the board of guardians, which he before alleged to be a breach of privilege, and to such a motion he would strenuously object.

Sir *R. Peel* said, that the motion of the hon. Member for Knaresborough pointed to no distinct object. He understood it as a renewal of the question of privilege, and that it was the intention of the hon. Gentleman to enforce the charge against Mr. Clements. Into that question the House, in his opinion, had better not enter. No person had more at heart the privileges of the House than he, but it was because of his regard for them that he would not wish to enforce a debate on them in the present instance. It was very natural if a man's personal character was injured by an erroneous imputation in that House, that he should endeavour to free himself from it, and it would be very hard if he were not at liberty to do so. The House did not enforce its privileges with respect to the publication of the debates, and it was natural if a man were injured by those publications, that he should try and set himself right.

Mr. *T. Duncombe* understood the motion to be, that if the House were put in possession of certain official papers the hon. Member for Knaresborough would exculpate Mr. Clements from any charge of breach of privilege. As the House was about to alter the New Poor-law, it was desirable that it should be put in possession of the character and working of one of the union workhouses, which was looked upon as a pattern one. The hon. Member for Knaresborough only asked for the proceedings and minutes relating to a particular day, and those minutes were refused, on the ground that the motion was mixed up with a question of privilege. These papers had nothing to do with privilege, and it was proper that the House should know what was done by Mr. Clements or by the board under his influence. Why, he should like to know, were copies of the proceedings refused? The resolution did not reflect on Mr. Clements, it merely asked for certain papers, that the House might be put in possession of what occurred on a particular day. They could not legislate fairly on the amendments proposed to be made in the Poor-law if the papers were refused.

Lord *J. Russell* did not understand the question in the way in which it appeared to be understood by the hon. Member for Finsbury, and he would therefore vote the other way. After what had fallen from the right hon. Gentleman the Secretary for the Home Department, he understood that there was no objection to furnish every information respecting the nature of the work done, or the manner of employment in the Halifax Union workhouse. He could not infer from the course adopted by Government any intention of withholding information either as to that or any other workhouse; but the hon. Member for Knaresborough, amongst other grievances, complained of a breach of privilege on the part of Mr. Clements, an assistant Poor-law commissioner, and grounded the complaint on a resolution adopted by the board of guardians at Halifax. The House did not shut out the reporters from the press, and when it was stated in the papers in the report of a speech that certain things were done by the Poor-law guardians, they came to some resolution to the contrary. He objected then, to that part of the resolution which would bring the House into a contest with the guardians for honestly denying what had been attributed to them. He could not see the use of such contests; but as regarded the other part—namely, the manner in which the union was conducted and the work performed, he thought that every information should be given.

Mr. *Gally Knight* said, he had an account of the matter yesterday from Mr. Clements's own lips, and that Gentleman assured him that he had used no influence with the board of guardians to induce them to pass the resolution, nor had he any hand whatsoever in it. Mr. Clements was present when it passed, but he did not wish it to pass, nor had it his concurrence. Mr. Clements also told him that there was neither a treadmill nor a treadwheel in the union, but there was a handmill, which had not then been introduced for the first time, but had been there for several years. The labour, as it was by no means severe, and it was found to be the best mode of employing able-bodied paupers, more especially as it was difficult to find labour for them which would not interfere with out-door employment.

Mr. Ferrand obtained leave to withdraw his motion.

Motion withdrawn.

House in committee of Ways and Means,

A vote for 8,000,000*l.*, payable out of the consolidated fund was agreed to, and the House resumed.

Registration of Voters Bill.] On the Order of the Day being moved for going into committee on this Bill,

Mr. *Liddell* asked the right hon. Baronet, the Secretary of State for the Home Department, if he were prepared to give any public assurance, that some provision would be introduced into this bill against the personation of voters? The further consideration of his (Mr. Liddell's) bill stood for Wednesday next; and in the event of the right hon. Baronet being so prepared, he would postpone that bill *sine die.*

Sir *J. Graham* said, that since the question was last under discussion, he had given his attention to the subject, and had framed some clauses to prevent the personation of voters. These had been seen by his hon. Friend, who had deemed them satisfactory, and well adapted to effect the purpose which his hon. Friend and the House were desirous of securing. They would be ready for publication to-morrow, and he would move their insertion into the bill on the bringing up of the report.

Mr. *Hume* thought, that the amendments which had been made in the bill only tended to increase and complicate its machinery. They never could have an adequate number of voters, so long as men were liable to be punished for the conscientious exercise of the franchise. This bill would leave the system open to all the complaints which were now urged against it, and which, in his opinion, must continue to be urged against it, until the system of vote by ballot were substituted.

House in Committee.

On the third clause (providing that the clerk of the peace was to issue his precepts with the form of notice, &c., to the overseers of the poor),

Mr. *Christie* suggested, that there should be more frequent registrations, in order to prevent the necessity of persons, who had become qualified waiting such a length of time before they could obtain the franchise. If, for instance, a man became qualified on the 1st of August, he could not, under this bill, be put upon the register until the end of October, in the ensuing year, a period of about fifteen months. He thought there ought to be appointed a certain number of registration judges, who would confine themselves to the business of registration; or, in the event of the County Courts Bill being introduced, that the judges under that bill, who would go round the country five or six times a-year, and hold courts in different parts of the country, should be required to add to their county court duties those of registration.

Sir *J. Graham* thought it would be better not to discuss points before they arrived at them in the bill. It had been his desire, in the framing of this bill to depart as little as possible from the provisions of the Reform Act, and only to do so where experience had shown that such departure was indispensable and certain to effect some public good. But he totally differed from those Gentlemen who imagined, that registrations more frequent than annual, would effect any public good. He, on the contrary, felt convinced, that a constant recurrence of the turmoil which attended registrations would be the cause of much public evil and inconvenience, and ought to be avoided. It was proposed by the bill brought in by the late Government, that certain officers should be constantly employed throughout the year making circuits in various parts of the kingdom for the purposes of registration; but if this were to be the case, the turmoil would never subside.

Mr. *Elphinstone* thought it would be more convenient that the precepts should be issued in the first instance to the clerks of the unions than to the overseers of the poor.

Sir *J. Graham* could not agree with the hon. Gentleman. The clerks of the unions did not possess the requisite knowledge for discharging the duty consequent upon the service of the precepts, while overseers, from their great parochial knowledge, could at once secure the most competent persons. The hon. Gentleman's suggestion would, besides, impose a new duty on a party not now conversant with it, whereas it was a duty quite germane to the general duties of an overseer.

Clause agreed to.

On clause 4 being proposed,

Sir *E. T. Colebrooke* begged to call the attention of the right hon. Baronet to an objection which presented itself on this clause. He alluded to the necessity which was imposed upon voters who changed their residence, even though they retained the same qualification, to re-establish their claim to vote. He asked whether this might not be altered.

Sir *J. Graham* thought that no practical difficulty arose upon that part of the clause to which the hon. Baronet alluded.

Clause agreed to.

On clause 5 (overseers to prepare list of claimants and objections),

Mr. *T. Duncombe* said, that he thought there was a material point in which this clause was defective. He thought that the overseers should append to the name of every person objected to the cause of such objection. He believed that, in many cases, objections were raised for party purposes merely, and upon no real or sufficient grounds, and that, if such a proposition as that which he made were agreed to, much vexation and expense would be spared.

Sir *J. Graham* while he concurred in the object of the hon. Member, thought that every means had been taken in this bill against the bringing forward of frivolous objections. He thought, too, that the hon. Member had raised this objection rather prematurely, because it could hardly be said, he thought, that the practices of which the hon. Members complained prevailed with overseers. Their objections were, in the great majority of cases, valid and tenable objections. As the hon. gentleman, however, had raised this point generally with respect to party objections, he begged to refer him to the 45th clause of the bill, whereby power was given to the revising barristers to give costs in the case of frivolous claims or objections. There was also this inconvenience in requiring the specific statement of the ground of every objection—that every possible objection whcih the utmost legal ingenuity could raise would be brought forward.

Mr. *T. Duncombe* felt that the last observation of the right hon. Baronet would apply to persons making objections merely for the purpose of harassing the voters. The overseers, however, could hardly be supposed to be persons who would make frivolous or vexatious objections. There was no reason, therefore, why they, at all events, should not state the grounds of their objection. The same rule should be adopted in cases of objections by the agents of the parties, for the purpose of bringing them more clearly within the 45th clause.

Mr. *Cripps* as a revising barrister of ten years' experience, could bear testimony to the carefulness of overseers in avoiding frivolous objections. He believed that to impose upon them this additional duty would be to throw them into great difficulties.

Mr. *T. Duncombe* said, he would propose that in the eleventh line, after the word "objected," the words "and with the *bona fide* ground of objection" be inserted.

The *Solicitor-General* observed, that it often happened that the overseer was an illiterate man, and they would involve him in all kinds of difficulty by calling upon him to specify the grounds of objection.

Mr. *Escott* said, after what had fallen from the hon. and learned the Solicitor-general, he should not vote for the amendment.

The committee divided on the question that the words proposed by Mr. T. Duncombe be inserted:—Ayes 47; Noes 57: Majority 10.

List of the AYES.

Aldam, W.
Barnard, E. G.
Bernal, R.
Bowring, Dr.
Brotherton, J.
Burroughes, H. N.
Busfeild, W.
Butler, hon. Col.
Cayley, E. S.
Chetwode, Sir J.
Christie, W. D.
Colbrooke, Sir T. E.
Collett, W. R.
Denistoun, J.
Duncan, Visct.
Ellis, W.
Elphinstone, H.
Evans, W.
Gibson, T. M.
Hall, Sir B.
Hatton, Capt. V.
Hay, Sir A. L.
Humphery, Mr. Ald.
Hutt, W.
Langston, J. H.
Lawson, A.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Norreys, Sir D. J.
O'Brien, J.
O'Brien, W. S.
O'Conor, Don
Ogle, S. C. H.
Palmer, G.
Scholefield, J.
Smith, B.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.

Thornely, T.
Tufnel, H.
Vivian, J. H.
Williams, W.
Wood, G. W.
Worsley, Lord
Yorke, H. R.

TELLERS.

Hume, J.
Duncombe, T.

List of the NOES.

Acland, T. D.
Arbuthnott, hon. H.
Arkwright, G.
Baring, hon. W. B.
Bentinck, Lord G.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Botfield, B.
Clive, hon. R. H.
Cripps, W.
Darby, G.
Davies, D. A. S.
Dickinson, F. H.
Egerton, W. T.
Escott, B.
Fitzroy, Capt.
Fitzroy, hon. H.
Follett, Sir W. W.
Forbes, W.
Gaskell, J. Milnes
Gordon, hon. Capt.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Hampden, R.
Hardy, J.
Henley, J. W.
Hepburn, Sir T. B.
Hodgson, R.
Hope, hon. C.
Hughes, W. B.
Hussey, T.
Irton, S.
Jermyn, Earl
Kemble, H.
Knight, H. G.
Lincoln, Earl of
Mackenzie, W. F.
Masterman, J.
Meynell, Capt.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Richards, R.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Sibthorpe, Col.
Sutton, hon. H. M.
Tennent, J. E.
Tollemache, J.
Trench, Sir F.
Wilbraham, hon. R.
Wood, Col. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Pringle, A.

Clause to stand part of the bill.

On clause 7, any person on the list of voters may object to any other person named in the list or not entitled to be on it.

Mr. *Tufnell* objected to that part of the clause which made it sufficient for notices of objection to be sent by post, and moved, as an amendment, that in every case where an objection was made, the overseers should be bound to see that the notice was actually served upon the party objected to.

Mr. *Henley* suggested that the latter part of the clause, which enacted that notices sent by post should be sufficient, should be omitted altogether, and the matter be left to be settled in the interpretation clause.

Sir *J. Graham* said, it was intended that a personal notice should be served on the tenant in every practical case.

The *Attorney-General* said, that the serving of notices by post, on the most important matters, was considered sufficient in courts of law, and he thought it would be found to answer every purpose in reference to the service of notices.

The committee divided on the question that the words proposed by Mr. Tufnel be inserted:—Ayes 38; Noes 91:—Majority 53.

List of the AYES.

Aldam, W.
Barnard, E. G.
Bernal, R.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Cayley, E. S.
Christie, W. D.
Colbrooke, Sir T. E.
Collett, W. R.
Crawford, W.
Duncan, Visct.
Elphinstone, H.
Evans, W.
Forster, M.
Gibson, T. M.
Hall, Sir B.
Hatton, Capt. V.
Hay, Sir A. L.
Hindley, C.
Hume, J.
James, W.
Mitchell, T. A.
Morris, D.
Norreys, Sir D. J.
Ogle, S. C. H.
Parker, J.
Protheroe, E.
Scholefield, J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Villiers, hon. C.
Walker R.
Williams, W.
Yorke, H. R.

TELLERS.

Cowper, hon. W. F.
Tufnel, H.

List of the NOES.

Acland, T. D.
Ainsworth, P.
Arbuthnott, hon. H.
Arkwright, G.
Baring, hon. W. B.
Baring, rt. hn. F. T.
Bentinck, Lord G.
Blakemore, R.
Boldero, H. G.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Burroughes, H. N.
Cavendish, hon. G. H.
Chetwode, Sir J.
Clive, hon. R. H.
Compton, H. C.
Cripps, W.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dugdale, W. S.
Egerton, W. T.
Egerton, Sir P.
Escott, B.
Ferrand, W. B.
Fitzmaurice, hon. W.
Fitzroy, Capt.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Gaskell, J. Milnes
Gordon, hon. Capt.
Gore, W. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grogan, E.
Hale, R. B.
Halford, H.
Hampden, R.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Hepburne, Sir T. B.
Hodgson, R.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Hughes, W. B.
Hussey, T.
Hutt, W.
Irton, S.
Jermyn, Earl
Kemble, H.
Knight, H. G.
Langston, J. H.
Lawson, A.
Lincoln, Earl of
Mackenzie, W. F.
Martin, C. W.
Morgan, O.
Newdigate, C. N.
Newry, Visct.
Nicholl, rt. hn. J.
Northland, Visct.
Palmer, G.
Peel, rt. hn. Sir R.

Peel, J.
Plumptre, J. P.
Pollhill, F.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Richards, R.
Rose, rt. hn. Sir G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Seymour, Lord
Sibthorp, Col.
Sutton, hon. H. M.
Tollemache, J.
Trench, Sir F. W.
Wilbraham, hon. R.B.
Wood, Col. T.
Wood, G. W.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

Clause agreed to.

The clause, with verbal amendments, was agreed to.

On clause 11, the overseers to give public notice as to the necessity of the payment of rates and taxes before the 20th day of June.

Mr. *Elphinstone* objected to the rate-paying clauses altogether, of which this was a part. They caused a great deal of expense to the candidates, and were a great source of bribery. In the city of Westminster the expense, he believed, of paying the rates of persons unable to pay them, was not less than 600*l.* Requiring rates did not, as was supposed, ensure a more respectable class of voters, but gave rise to a great deal of bribery, in order to secure the votes of the smaller voters. He should propose that the clause be omitted.

Mr. *Fitzroy* thought, that the period of twelve calendar months for which a man was required to have paid all his rates was too long. It involved a virtual disfranchisement for fifteen months, as the rates were never immediately paid.

Sir *James Graham* explained, that the words "twelve calendar months," in the clause, had been introduced in order to settle a doubt which had been raised by the revising barristers. Some of them had required proofs that the rates had been all paid up for a longer period than twelve months, for all the time, in fact, that a man had been liable for the rates, and this part of the clause was, in fact, a relaxation of what they had interpreted the law to be. With respect to the observation of the hon. Member for Lewes (Mr. Elphinstone), he must observe, that the house-tax having been abolished, a considerable relaxation of the principle of the Reform Bill had already taken place, and this clause, as he had explained, was a still further relaxation of the law, as interpreted by the revising barristers. He must remind the House, as he had before stated, that when the Reform Bill was passed, the authors of that bill would have proposed a higher rate of qualification than 10*l.*, were it not that the franchise they did propose was accompanied by the restriction of paying rates. They thought that the payment of rates was a test of the respectability and solvency of the parties, and had that condition been refused, the authors of the Reform Bill would not have been satisfied with a franchise so low as 10*l.* In practice, however, a considerable relaxation of that restriction had already taken place; and, as he was disposed to adhere to the principles of the Reform Bill, he could not for one moment admit the proposition of the hon. Member, and would divide the committee against him.

Mr. *Brotherton* would support the hon. Member for Lewes, because the rate-paying clauses narrowed the franchise and promoted bribery. It was generally understood, when the Reform Bill was passed, that it was intended to enfranchise all the owners and occupiers of premises of 10*l.* value. But it was found in practice that the Reform Bill did not enfranchise all the 10*l.* householders, and the disfranchisement was caused by the rate-paying clauses. In his own borough the number of persons who at any time voted was very much below the number of persons who occupied 10*l.* premises. On these grounds he should vote against the clause.

Mr. *Hume* objected, when the Reform Bill was under discussion, to the rate-paying clauses. He had then stated, from the experience of Westminster, that those clauses would cause a great deal of bribery, and what he had foretold had come to pass. The payment of rates had led to a great deal of bribery. They had tended also to narrow the franchise, as he had objected to them when the bill was under discussion. At present there was not 1,000,000 of voters, though there were 5,000,000 of full grown males who ought to have the franchise. At present five out of six of the full grown males, who bore all the burdens of the state—who paid the taxes, and were called on to perform all the duties of subjects to the crown—were denied the franchise. He thought every male of twenty-one years of age should have a vote; but those who were not prepared to go so far as he went, should at least be ready to remove this restriction. If they withdrew the tax-paying clauses they would both lessen bribery and practically extend the franchise. He was reluctant to oppose this clause, as it was an amelioration of the present law; but if there were no better mode of getting rid of the rate-paying clauses he would oppose it. At the present time, when distress was disfranchising the people, and when great dissatisfaction existed amongst them on account of being disfranchised, he thought it would be proper to abolish the rate-paying clauses.

Mr. *Escott* did not find it his duty to defend the principles of the Reform Bill, but he must remind the House that to insist on the payment of rates was not an innovation introduced by the measure. Under the old franchise the scot and lot voters were obliged to pay the rates. It had, however, been stated by the right hon. Baronet, that a higher rate of qualification would have been selected had the payment of rates not been adopted. If therefore, they were to abolish the rate-paying clauses, they must raise the qualification. He wished to see both sides keep to their bargain.

Mr. *Hume* had never agreed to rate-paying clauses, and, therefore, he was no party to any bargain.

Mr. *Ewart* said, the hon. Member for Lewes (Mr. Elphinstone) had shown that these clauses narrowed the franchise and promoted bribery. Those two objections, pointing out the moral evils caused by these clauses, had been left entirely unanswered. Was it worth while to retain such clauses, on the supposition that they insured the respectability of the voters? He thought it was not, and he should support the hon. Member for Lewes.

The Committee divided on the question that the clause stand part of the bill:— Ayes 118; Noes 58; Majority 60.

List of the Ayes.

Acland, T. D.
Arkwright, G.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Beresford, M.
Blakemore, R.
Boldero, H. G.
Botfield, B.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Burroughes, H. N.
Chetwode, Sir J.
Christopher, R. A.
Chute, W. L. W.
Clive, hon. R. H.
Collett, W. R.
Compton, H. C.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dickinson, F. H.
Douglas, J. D. S.
Dowdeswell, W.
Dugdale, W. S.
Duncombe, hon. O.
Eastnor, Visct.
Egerton, W. T.
Egerton, Sir P.
Escott, B.
Farnham, E. B.
Ferrand, W. B.
Fitzmaurice, hon. W.
Fitzroy, Capt.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Fox, S. L.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Graham, rt. hn. Sir J.
Greenall, P.
Grey, right hon. Sir G.
Grogan, E.
Hale, R. B.
Halford, H.
Hampden, R.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Hepburn, Sir T. B.
Hodgson, R.
Holmes, hon. W. A.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Hughes, W. B.
Hussey, T.
Irton, S.
Jermyn, Earl
Johnstone, H.
Jolliffe, Sir W. G. H.
Kemble, H.
Knight, H. G.
Lawson, A.
Lemon, Sir C.
Lincoln, Earl of
Lockhart, W.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Visct.
Martin, C. W.
Marton, G.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Mildmay, H. St. J.
Miles, P. W. S.
Morgan, O.
Newdigate, C. N.
Newry, Visct.
Nicholl, rt. hon. J.
Northland, Visct.
Pakington, J. S.
Palmer, G.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Philips, G. R.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Richards, R.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Seymour, Lord
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Sutton, hon. H. M.
Tollemache, J.
Trench, Sir F. W.
Turnor, C.
Welby, G. E.
Wilbraham, hn. R. B.
Wood, Col. T.
Young, J.

TELLERS.

Baring, H.
Fremantle, Sir T.

List of the Noes.

Ainsworth, P.
Aldam, W.
Bannerman, A.
Barnard, E. G.
Bernal, R.
Blewitt, R. J.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Cavendish, hon. G. H.
Cayley, E. S.
Christie, W. D.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Crawford, W. S.
Dalrymple, Capt.
Duncan, Visct.
Duncan, G.
Ellis, W.
Evans, W.
Forster, M.
Gibson, T. M.
Hall, Sir B.
Hastie, A.
Hatton, Capt. V.
Hay, Sir A. L.
Heathcoat, J.
Hindley, C.
Hume, J.
Humphery, Ald.
Hutt, W.
James, W.
Johnston, A.
Langston, J. H.
Mitchell, T. A.
Morris, D.
Norreys, Sir D. J.
O'Brien, W. S.
Ogle, S. C. H.
Parker, J.
Philips, M.
Plumridge, Capt.

Scholefield, J.
Stansfield, W. R. C.
Stuart, W. V.
Stock, Mr. Serj.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Tufnell, H.
Villiers, hon. C.
Wakley, T.
Walker, R.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Yorke, H. R.

TELLERS.
Elphinstone, H.
Ewart, W.

Clause to stand part of the bill.

On clause 45, which empowers revising barristers to grant costs, to the amount of 20*s*., against frivolous claimants or objectors, being put,

Mr. *Charles Wood* thought it of too much importance to allow it to pass without remark. In its general principle he agreed. It was as objectionable that bad votes should be retained on the register, as that good votes should be struck off; but Gentlemen practically versed with the subject had led him to believe that the practice of revising barristers being allowed to award costs, would throw very serious difficulties in the way of making up correct registers. It was to the probable practical effects, not the principle of the clause, that he was opposed. He thought that if those who lodged an objection should be compelled to deposit some such sum as 5*s*. that the precaution would be quite sufficient for the prevention of frivolous objections.

Colonel *Sibthorp* thought that, instead of no costs being permitted, much larger sums should be awarded as such. He would move, as an amendment, that the utmost amount of costs to be allowed should be 10*l*. instead of 20*s*.

Mr. *Christopher* believed, from communications which he had had with the revising barristers, that if they had a power of awarding costs, many frivolous cases would never have been entered into. He would move, as an amendment, that 5*l*, instead of 20*s*., be the limit of costs, a proposition to which he hoped that the Committee would agree.

Mr. *Charles Wood* stated that he was principally opposed to costs being awarded against claimants. He would move that the words "claim or," in the clause be omitted, with the view of limiting the power of revising barristers in granting costs in cases of objection.

Sir *James Graham* said, that he was in favour of granting costs against both frivolous claimants and objectors. The registration commissioners had come to the conclusion, after a long investigation, that costs should be so allowed by the revising barrister. He quite objected to the motion of the hon. Member for Halifax, and did not see the justice of his distinction between frivolous claimants and objectors of the same class.

Mr. *Charles Wood* withdrew his motion.

Colonel *Sibthorp* also withdrew his motion, but hoped that the Government would consider its principle.

Sir *James Graham* said, with respect to the matter before the House, that when a bill of this nature was first brought in by the late Government, costs were proposed to be allowed to the extent of 10*l*., but within two years the amount was reduced to 10*s*., and, of the two propositions, he certainly liked the latter best. He thought that the power of awarding costs to the amount of 10*l*. would prove a serious bar to the claims of many persons to be registered; and that, upon the whole, costs not exceeding 20*s*. would be sufficient to answer the purpose they were designed to serve.

Mr. *Turner* would divide the Committee against the proposition with respect to costs. He thought that a greater sum than 20*s*. should be permitted to be awarded.

Mr. *Brotherton* thought that 20*s*. were sufficient.

Mr. *Christopher* would divide the Committee upon his proposition of substituting 5*l*. for 20*s*. in the clause.

The Committee divided—the question being put as follows, Forty-fifth Clause (Power to Barrister to give costs in certain cases to parties claiming or objecting), p. 19, l. 14:—Provided that the sum so ordered to be paid by way of costs shall not in any case exceed the sum of :—Proposed to fill the blank with "twenty shillings;" afterwards proposed to fill the blank with "five pounds;" subsequently, proposed to fill the blank with "three pounds:"—Question put, "That the blank be filled with 'twenty shillings:'"—Ayes 154; Noes 34; Majority 120.

List of the AYES.

Acland, T. D.
Adare, Visct.
Aldam, W.
Antrobus, E.
Archdall, Capt.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Bateson, R.
Beckett, W.
Bentinck, Lord G.
Bernard, Visct.
Blake, Sir V.
Boldero, H. G.
Botfield, B.

Bramston, T. W.
Brotherton, J.
Bruce, Lord E.
Buller, Sir J. Y.
Busfeild, W.
Campbell, Sir H.
Cavendish, hon. G. H.
Childers, J. W.
Cholmondeley, hn. H.
Chute, W. L. W.
Clay, Sir W.
Clive, E. B.
Corry, rt. hon. H.
Cowper, hon. W. F.
Crawford, W. S.
Dalrymple, Capt.
Damer, hon. Col.
Darby, G.
Denison. E. B.
Dickinson. F. H.
Disraeli, B.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, Visct.
Duncombe, hn. A.
Duncombe, hn. O.
Dundas, Admiral
Eastnor, Visct.
Egerton, W. T.
Eliot, Lord
Elphinstone, H.
Escott, B.
Estcourt, T. G. B.
Evans, W.
Farnham, E. B.
Fitzmaurice, hn. W.
Flower, Sir J.
Follett, Sir W. W.
Forster, M.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gordon, hn. Capt.
Gore, M.
Goulbourn, rt. hn. H.
Graham, rt. hn. Sir J.
Grey, rt. hn. Sir G.
Grogan, E.
Grosvenor, Lord R.
Hall, Sir B.
Hamilton, W. J.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hastie, A.
Heathcote, G. J.
Henley, J. W.
Herbert hn. S.
Hodgson, R.
Hollond, R.
Holmes, hn. W. A'C.
Hope, A.
Hope, G. W.
Horsman, E.
Howard, hn. C. W. G.
Hughes, W. B.
Hutt, W.
Jermyn, Earl
Johnstone, Sir J.
Langston, J. H.
Lemon, Sir C.
Lincoln, Earl of
Lockhart, W.
Lygon, hn. Gen.
Mackenzie, W. F.
McGeachy, F. A.
Manners, Lord C. S.
Marjoribanks, S.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, T. W. S.
Mitchell, T. A.
Morgan, O.
Morris, D.
Napier, Sir C.
Newdigate, C. N.
Nicholl, rt. hn. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
O'Brien, W. S.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hn. Col.
Philips, G. R.
Philips, M.
Plumptre, J. P.
Pollock, Sir F.
Ponsonby, hn. J. G.
Pringle, A.
Protheroe, E.
Repton, G. W. J.
Ricardo, J. L.
Rose rt. hn. Sir G.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Seymour, Lord
Smythe, hn. G.
Somerset, Lord G.
Stanley, Lord
Stansfield, W. R. C.
Stanton, W. H.
Strutt, E.
Sutton. hn. H. M.
Taylor, T. E.
Tennent, J. E.
Thornley, T.
Tollemache, J.
Towneley, J.
Trench, Sir F. W.
Tufnell, H.
Wakley, T.
Wallace, R.
Walsh, Sir J. B.
Wellesley, Lord C.
Wilbraham, hn. R. B.
Wilshere, W.
Wood, C.
Wood, Col. T.
Wood, G. W.
Wortley, hn. J. S.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Acton, Col.
Arkwright, G.
Blackstone, W. S.
Broadley, H.
Broadwood, H.
Chetwode, Sir J.
Christie, W. D.
Collett, W. R.
Compton, H. C.
Cripps, W.
Davies, D. A. S.
Duncombe, T.
Ebrington, Visct.
Ferrand, W. B.
Fitzroy, hn. H.
Forbes, W.
Fox, C. R.
Glynne, Sir S. R.
Gore, W. R. O.
Hill, Lord M.
Hornby, J.
Irton, S.
Mainwaring, T.
Manners, Lord J.
Mundy, E. M.
Neeld, J.
Neville, Ralph
Newry, Visct.
Ogle, S. C. H.
Packe, C. W.
Plumridge, Capt.
Ross, D. R.
Smollett, A.
Turner, E.

TELLERS.

Christopher, R. A.
Sibthorpe, Col.

Clauses up to 48 agreed to.
House resumed.
Committee to sit again.

MUNICIPAL CORPORATIONS.] Lord *John Russell* moved for leave to bring in a bill for dissolving certain corporations and amending others. The object was to include certain corporations that had been omitted from the Municipal Bill. He intended to dissolve those corporations, and to place the funds in the hands of the overseers of the poor for general purposes. He had some special clauses to propose with regard to Queenborough, but he should state the provisions fully on the second reading.—Leave given.

The House adjourned at a quarter to one.

HOUSE OF LORDS,

Tuesday, March 14, 1843.

MINUTES.] BILLS *Private.*—1ª. Cambrian Iron and Spelter Company; Townsend Peerage.

3ª. and passed:—Earl of Leicester's Estate; Caswell's Disability Removal.

PETITIONS PRESENTED. By the Duke of Richmond, from the Male and Female Workers in the Carron and other Collieries, for Altering the Mines and Collieries Act.—By the Earl Fitzwilliam, from London, Weymouth, Leeds, Hull, Battley, and Sheffield, against Lord Ellenborough's Proclamation. — By Lord Willoughby D'Eresby, from the Rev. John Jordan, Carnarvon, Abererch, Llandwrog, Llanfair-feichan, and Arllechwedd, against the Union of the Sees of St. Asaph and Bangor. — From Market Lairagton, and Dumfries for the Total and Immediate Repeal of the Corn and Provision Laws.—From Pentre Voelas, for Church Extension.

TOWNSHEND PEERAGE.] Lord *Brougham*

laid on the Table the bill of which he had given notice with respect to the Townshend peerage. Upon so grave a matter he was anxious that ample time should be given to all the parties interested to bring forward whatever objections they might entertain, either of principle or of fact, to the measure as he proposed it. He was quite sensible that it was a measure that ought only to pass upon the gravest consideration. He should propose, therefore, to read the bill a first time now, and to fix the second reading for the first Tuesday after the Easter recess. In the meantime he begged to move that the usual notice be given to all the parties interested in the bill.

Bill read a first time.

Corn-Laws.] Lord *Monteagle* rose, pursuant to notice, to bring under their Lordships' consideration a question of no common magnitude. But before he applied himself to the question itself, he was anxious to set himself right with their Lordships with respect to the time which he had fixed for the discussion of it. He could assure their Lordships, with perfect earnestness and perfect sincerity, that he had felt no want of anxiety with respect to the presence of his noble Friend the President of the Board of Trade (the Earl of Ripon); and unless he were controlled by other circumstances which he deemed most essential to the beneficial discussion of the great question he had undertaken, he should most willingly have postponed it to a future day. He had already postponed it more than once, at the request of the noble Lords opposite, and of their request he did not complain; he wished it however to be distinctly understood that if he persisted in bringing it forward that night, it was not from any motive of convenience either personal to himself or to his political friends, but simply and solely because he was convinced that a further postponement would be injurious to the question itself, which he was bound to regard as of primary importance. Much as he regretted the absence of his noble Friend the President of the Board of Trade, he yet could not persuade himself that the question, on that account, would fail of being discussed in the manner which its importance deserved; for he perfectly recollected that the Act of 9 Geo. 4th, (which had been the law of the land, prior to the passing of the act of last year), was carried through their Lordships' House by the noble Duke (Duke of Wellington) himself; not only without the assistance of the noble Lord, who was now the President of the Board of Trade, but, to a certain degree, at least subject to the opposition of that noble Lord. He felt, therefore, that upon the present occasion the question would not suffer any disadvantage; but on the contrary, would derive the greatest benefit from being left in the hands of the noble Duke, the representative of the Government in that House. If the absence of other noble Peers were referred to, he could not proceed without stating that he very deeply felt the absence upon that occasion of a noble Friend of his, to whom those who sat with him on the Opposition benches had been accustomed to look up for counsel and advice; and if upon any occasion the presence of that noble Lord were deemed of importance, it could never be more so than upon a discussion like that which he was about to introduce. He might mention, however, that the motion he meant to submit to their Lordships had been brought under the notice of his noble Friend, and had received his full concurrence. In asking their Lordships to embark in a discussion upon the question of the Corn-laws, he regretted that they were obliged to approach it subject to the disadvantage to which the political events of later years had given rise. The proposition he was about to make did not necessarily involve any party consideration. A more simple proposition—one more entirely connecting itself with the principles of financial and commercial law, could scarcely be presented to their Lordships. It was but a few nights since that they had had occasion to consider the question of the Irish spirit duties. He believed that no noble Lord who took part in that discussion considered it as a question between the two sides of the House. The only consideration that governed them was, how the object sought for might most readily be attained. Such, also, was the spirit in which the Corn-laws had been discussed in former times; but, unfortunately, of late years the question had become mixed up with the party feelings of the country, and the words, "sliding scale" and "fixed duty," were considered by many men to be as strong indications of party, as whether noble Lords sat on this or on the other side of the House. There was never a greater or more unfortunate mistake, in reference to the great interests of the country, than this conversion of the Corn-laws into a party question. There was nothing more important or more necessary towards a satisfactory adjustment and settlement of the question, than that it should be approached in a calm and dispassionate manner. Looking back to the history of Corn-law discussions, it would appear that they had, to a certain extent, been characterised by features of calmness, which he should rejoice to recognize in the debates on the subject of the present day. Without going further back than 1815, he found that in the vehement discussion which then took place upon the Corn-laws, the question was considered in every other light rather than as partaking of a party character. The late Earl of Leicester and several others connected with the opposition of that day were amongst the strongest supporters of the Government measure; and, if his recollection did not greatly deceive him, one of the individuals who took a prominent part in opposing the bill of 1815 was the late Mr. George Rose, who at that time was treasurer of the navy, and consequently in immediate connection with the Government. Again, in 1822, when the Act of 1815 was condemned, there was a similar absence of anything like party feeling in the discussion which then took place, Lord Londonderry taking one side of the question, and Mr. Huskisson moving a counter resolution. Undoubtedly matters afterwards assumed a different aspect, when in 1827 Mr. Canning introduced his bill, and from that time might be dated the unfortunate state of things which had since connected the subject of the Corn-laws with the great party questions of the day. This unfortunate result had been completed by the last change of administration, and the events of the general election. His object in thus referring to what the practice in former times had been, was to impress upon their Lordships how sincerely anxious he was to consider this question as wholly abstracted from any party consideration whatever; to consider it as if he were discussing the duty on any other article—as if he were discussing a question of economical science, or of commercial law, bearing upon any other branch of industry, and as if party strife and party consistency were not in any way connected with the proposition. Before he proceeded further, he wished to set aside certain considerations with which, perhaps, his proposition might be sought to be identified in the course of the debate, but which had, in fact no connection with it. In the first place, he protested altogether against any attempt to connect the motion which he should offer to their Lordships with the proceedings of certain parties out of doors, who were called the Anti-Corn-law League. With those parties his motion had no earthly connection. He believed that it would not meet the views of many of them; but, at all events, it was perfectly distinct and separate from the Anti-Corn-law League, and no argument derived from the proceedings of that body could, or ought, in any degree, to influence their Lordships' judgment upon the present occasion. But, perhaps, he might take the liberty of asking in passing—Was there no apprehension derived from the existence of the Anti-Corn-law League? Did their Lordships disapprove of so large a confederacy extending over the whole country, collecting money, disseminating information to further its own views, exercising a wide and general influence over the minds of men? Did their Lordships disapprove of this kind of proceeding? If so, then he (Lord Monteagle) must remark, that if there were any one step that their Lordships could take that would more add to the influence of those who sought extreme measures, it would be by the rejection of propositions which were moderate and reasonable in themselves. It was not for him to pronounce whether the proposition he was about to make was moderate and reasonable; but this he would take upon himself to say, that if in the minds of the mass of the public it should appear reasonable and moderate to ask their Lordships to consider the effects of a bill which they had recently passed, and which affected the interest of the great bulk of the community—if such a proposition were considered reasonable, and their Lordships rejected it, then their Lordships would be doing more to countenance, more to support, more to encourage extreme opinions, than could possibly be done by any other course that could be adopted. He prayed their Lordships to consider that associations similar to that of the Anti-Corn-law League were not peculiar to the present or to any one particular time. The Legislature had had to encounter them upon former occasions and in reference to other subjects; and, as far as his knowledge went, the Legislature had never found any mode of dealing with the questions, so forced upon its attention, so effectual for putting down associations of this nature as that of removing the causes which had led to them. He wished also to protect himself from the supposition that, in dealing with this question, he was giving encouragement to any very exaggerated expectations with respect to the result which an alteration of the law would produce upon the price of corn. He recommended their Lordships to go into committee to consider whether an alteration of the law should not take place; but he should be acting uncandidly if he did not say that he considered that any alteration that might be made in the law regulating the introduction of foreign corn into this country, would have but little effect in reducing the price of grain in the British market. But though the price of grain were not reduced, a great benefit to the community would nevertheless be obtained; because the great benefit to be sought for in respect to this subject, was not so much the lowering of the price, as the ensuring such a steadiness of price as would do justice to all parties—the grower of corn, the consumer of corn, the British merchant, his foreign correspondent, the Bank of England, and all classes of the community. It had been said (this was an example of the exaggeration which he only referred to for the purpose of disclaiming) that a given amount of duty placed upon a commodity which was partly produced abroad and partly produced at home, would have the effect of raising the whole price of the commodity in the amount of the duty which was imposed. A more singular mistake, a more totally incorrect application of a scientific principle, it was scarcely possible for any one to encounter. Suppose, for instance, that the quantity of corn annually consumed in this country amounted to 12,000,000 of quarters—that of that 12,000,000, 2,000,000 were imported from abroad, that upon the 2,000,000 so imported a duty of 5*s.* a quarter was levied, the gross amount of duty so levied would be 500,000*l.* "But," said the parties to whose views he was referring, "you must multiply the 5*s.* duty, not by the 2,000,000 of quarters, but by the 12,000,000 of quarters, and thus it will be seen that there is a duty imposed upon the corn consumed in this country not of 500,000? but of 3,000,000*l.* sterling." It was utterly absurd to suppose that any such result could take place. The consumer could only pay this duty by an increase of price, and such increase of price could only be produced by a limitation of the supply. If the demand and the supply remained unaltered, the price would continue the same. It was a contradiction to the most obvious facts which any man who directed his attention to the subject might collect for himself. He referred to these exaggerations merely for the purpose of repudiating them. He wished also to explain to their Lordships the exact sense in which he should employ the term "free-trade" in the arguments he was about to advance. By what was called freedom of trade, he was not absurd or inconsiderate enough to suppose that a freedom from all duty was necessarily implied. No such thing. If that were the case, no country upon earth that had a revenue to raise could possess freedom of trade. True freedom of trade was perfectly consistent with the payment of any amount of duty (properly apportioned) levied for the purpose of revenue. It was also perfectly consistent with any countervailing duty, which was laid on for the purpose of affording protection to any one class which was subject to burthens that did not belong to other classes of the community. The English maltster, being subject to a heavy duty upon the article he manufactured, it was perfectly consistent with the principles of free-trade that foreign malt should not be admitted, except upon the payment of a countervailing duty. In the same manner, if it could be shown that the landed proprietors were subject to exclusive and peculiar burthens, it was perfectly consistent with freedom of trade that a countervailing duty, equal to the amount of these exclusive and peculiar burthens, should be imposed for the protection of English agricultural produce. This, he said, would be consistent with the principles of freedom of trade; but he was not saying whether it would be expedient or not. And here he must take the liberty of observing, that as long as the agricultural interests resisted all inquiry as to the amount of the peculiar burthens which they said were imposed upon them, the public at large, and he, in common with the public, must be forgiven if they entertained great doubt as to whether any such peculiar burthens existed at all as fairly entitled them to claim a countervailing duty for the protection of their produce. Let it not be said that they were entitled to this countervailing duty, because the agriculturist in England was more highly taxed than in other countries.

That was no earthly ground for any countervailing duty. It was only saying that one part of the community should be taxed twice over for the benefit of another part which was only taxed once. To be entitled to a countervailing duty, the party claiming it must show that he is subject to peculiar burthens, bearing exclusively upon himself, and not in any way shared by the rest of the community. Apologising for having occupied so much of their Lordships' time with these preliminary observations, he would now proceed to the proposition which he wished to bring under their consideration. His motion was this—that their Lordships should grant him a committee to consider the effects and consequences of the Corn-law of the last year. He knew not how the proposition would be met by her Majesty's Government. It was probable he might be told that the bill of last year had not yet had a sufficient trial. "Wait awhile," it might be said: "by re-opening the question you will disturb great existing interests." [The Duke of *Richmond*: Hear.] It was obvious that his noble Friend, whom he always listened to with pleasure, was likely to take that ground. Well, then, what were the great interests of the country that were about to be disturbed? He would apply himself to the subject in the strictest manner of demonstration; and if it could be shown that the great interests of the country were in a condition of prosperity, of repose, of peace—above all, if the noble Duke (the Duke of Wellington) himself had such an unqualified confidence in the permanence of the existing state of things, that he could put his hand upon the Corn-law of the last Session, and say, "It has received the approval of Queen, Lords, and Commons; I believe it to be the Magna Charta of the farmer; the permanent law that will properly protect the landlord, and justly secure the interests of the tenant." If the noble Duke could do that, then, no doubt, he would be justified, logically and morally, in coming forward and saying "Do not disturb this state of peace, repose, and happiness—waive these committees of inquiry—content are we with the present state of things—confident are we that the 5th and 6th of Victoria, unlike its predecessor, the 9th of George 4th, will not be consigned to an early legislative grave, dug for it by the very hands which assisted at its baptism—do not ask for any inquiry—we believe in the permanence of things as they now exist." If the noble Duke could say this, it would undoubtedly amount to an answer to his motion. But he did not believe that the state of the country was such that an inquiry into its condition would do any possible mischief to any one of the great interests that existed in it. On the contrary, he believed that it would not be "hope deferred," but "despair created," if without those walls it should be inferred that their Lordships were indifferent to the feelings and interests of the great bulk of the community. This part of the subject was so material that he begged their Lordships' permission to go into it a little closely and accurately. Was the communication from the Throne, at the commencement of the present Session, such as to induce their Lordships to believe that all was repose and peace, tranquillity and happiness, within the length and breadth of the land? No such thing. This communication from the Throne, referring to the failure that had occurred in the revenue, stated, that the cause of that falling-off might be

> "In part attributed to the reduced consumption of many articles, caused by that depression of the manufacturing industry of the country which has so long prevailed, and which her Majesty has so deeply lamented."

The speech alluded to manufacturing distress; but were noble Lords prepared to say, that the agriculturists of the country were in a state of contentment, happiness, and prosperity? If noble Lords were prepared to say, that, they ought to resist his motion, but if they were assured, as many of them were, that the distress of the manufacturing districts had extended itself to the agriculturists, he should like to know the ground on which they would refuse inquiry into the operation of the act of the last Session. Let them examine the matter a little closely, and ascertain whether the condition of the country was such that a parliamentary inquiry was likely to produce much mischief. First, there was the failure in the revenue. He did not attribute blame to the noble Lords opposite or to the Government on that account. It was sufficient for him to say, that the difference between the annual income and expenditure had increased from a deficiency of 1,593,000*l.* in 1840 to no less a sum than 3,977,000*l.* in 1842, shewing an increased deficiency of no less than 2,386,000*l.* When the amount of this deficiency were analyzed more closely it was still more alarming. In three years the falling off in the gross amount of Customs' Duties had amounted to 874,000*l*., or deducting the Corn Duties, the falling off had been from 1840 to 1842, 1,261,000*l*., or between 1841 and 1842, 1,748,000*l*. The decrease in the net duties of Excise had been as follows:—In 1840, 14,785,000*l*.; 1841, 13,328,000*l*.; 1842, 12,517,000*l*.; or a decrease of 2,268,000*l*. between the first and the last of those years. He had himself suffered so much from the injustice which attributed results, infinitely less alarming than these, to the Finance Minister of the day, that he was far from stating these melancholy facts as proving misconduct in the Government. He made the statement in proof of the distress of the people, as evidence of their want of power to consume exciseable articles, and to obtain that ordinary remuneration for their labour which the working classes are entitled to expect, and which they would receive under a better system. The total amount of Customs and Excise revenue stands as follows: — In 1840, 37,644,000*l*.; 1841, 36,674,000*l*.; 1842, 34,115,000*l*., exhibiting a decrease of 2,559,000*l*. since 1841, and of 3,529,000*l*. since 1840. He only used these facts for the purpose of showing that there was great, and, indeed, universal distress throughout the land, and it behoved them to consider from what cause that distress might have originated, and whether it could not be remedied. He must remind their Lordships, that in the receipts for the present year there was no less a sum than 1,112,000*l*. derived from the duties on corn. Now, a noble Lord connected with Kent, and a noble Earl, when this matter was previously discussed, had abjured the Corn-law being made a matter of revenue. They had seemed to consider that revenue derived from corn was an accursed thing, that should not be allowed to enter the Treasury. They had called it an odious bread-tax. Yet it appeared now, that the only means of bringing the revenue and the expenditure something nearer to an equality was a sum derived from that very source, the duties on corn. If those noble Lords were consistent, they would now apply that sum to some nobler purpose than placing it in the national purse—either to the relief of agricultural or manufacturing distress—after having disclaimed corn as a source of revenue. If they did not, persons might doubt either their sincerity or their wisdom; and as he preferred bringing an intellectual to a moral charge against them, he would consider it as a want of the latter rather than of the former. What was the state of the foreign trade of the country? The declared value of British produce and manufactures exported had fallen off in 1840 by the amount of 3,221,000*l*., and in 1841 by the sum of 4,171,000*l*. Cotton manufactures had fallen off 3,657,000*l*. since 1840. The falling-off in woollen was less, but still to an amount greatly affecting the interests of those engaged in the trade; it was, from 1840, 128,000*l*.; and thus in the two great staples of cotton and woollen there had been a falling off unexampled he ventured to say in the history of our manufactures. The value of linens exported has during the same period, diminished very nearly one-third, or from 3,306,000*l*. to 2,360,000*l*. It might be said, that this was the effect of foreign competition, of adverse tariffs, and that therefore it did not represent the actual state of the manufacturing industry of the country. But he would bring forward another test more accurate and more severe. Had the raw produce introduced into England for the purposes of manufacture increased or diminished? That fact would nearly correctly represent the progress of those manufactures. Taking the years 1840, 1841, and 1842, there was a falling-off in the cotton wool introduced into this country of 53,370,000 lbs. Between the years 1840 and 1842, the importation of wool had decreased from 50,000,000 to 44,611,000 lbs.—a falling-off of 5,389,000lbs. There was also a falling off, but in a lesser degree, in hemp and flax. There had been an increase in silk; and it was interesting to consider the cause of that apparent anomaly. If there was any one branch of our manufactures to which, under the direction of Mr. Huskisson, the principles of a just commercial policy had been wisely and early applied, it was to the silk trade of the country, and we now found, in the midst of pressure and calamity, the silk trade seemed to have been less affected than any other branch. The increase in silk imported was 76,000 lbs. He alluded to these questions not as affecting the amount of the national wealth, but as bringing forward the question of the happiness of the people; for when he named the articles he had enumerated, he did so as the implements, as it were of the people's remuneration, and as indicative of the amount of their command over the comforts and enjoyments of life. Now, had there been a decrease in the comforts and necessaries of life accompanying the diminution in the means of employing the people? In respect of the article malt, he knew that the adducing that as an instance was open to some objection; still he could not see a large reduction, amounting to 6,605,000 bushels between 1840 and 1842, without feeling sure that it indicated a very large amount of distress. It appeared by the papers on the Table that there were other articles connected with the comforts and necessaries of the poor the consumption of which had fallen off; but there was more direct evidence still in the return of the Poor-law. Comparing the years 1839 and 1842, he was not able to compare the amount, raised for the relief of the poor, because the accounts were not yet completed; but the number of paupers had increased from 1,136,000 to 1,429,000, and had increased in a progressive rate, from 1,136,000 to 1,199,000—1,300,000 to 1,429,000, or 25 per cent. In Sheffield, the increase of rate for the relief of the poor between 1840 and 1842 was from 31,846*l.* to 52,086*l.* In the three months ending January, 1841, the rate amounted to 7,571*l.*, and in the three months ending January, 1843, it was 17,925*l.* From Stockport, the accounts were yet more lamentable. Three thousand houses were untenanted. Between 1840 and 1842 the number of paupers relieved has increased from 3,481 to 14,839; the rates have augmentsd one-third, besides an expenditure of 7,000*l.* raised by voluntary subscription. In Leeds, the number of paupers had greatly augmented. Let not the agricultural Gentlemen imagine that even if distress were confined to the manufacturing districts, it could exist without re-acting on the agricultural. Not but that he was fully convinced, even if it could so exist, that the feelings of the gentry and farmers of this country would equally sympathise with the distresses of their brethren. But, at the same time, let the agricultural interest see how the distress operated upon themselves. In seasons of manufacturing prosperity the surplus agricultural population was absorbed into the manufacturing districts, and found employment. Now, by the operation of the same principle, of which the agriculturists had no right to complain, the manufacturing districts were sending back into the agricultural districts those persons whose labour they did not require. Take the agricultural union of Settle, in Yorkshire, from whence, during the manufacturing prosperity, many agricultural paupers were withdrawn. Now, in 1841, the number of paupers relieved was 832. In 1842 the number had risen to 1,637. Of these persons, one-fourth were removed from the manufacturing districts. There could not be anything more clear than that the home market and manufacturing market, those great hives of industrious men, were the causes of national strength, and, above all, the causes of our agricultural prosperity. It is mainly to their distress that is to be attributed the fall of many articles of agricultural produce. There is, indeed, an admission made in her Majesty's speech. It had been stated in Parliament, on a former occasion, by the head of her Majesty's present Government, that, let the agriculturists look where they might for protection, there was nothing legislation could give them that was of half the importance to them as the prosperity of the manufactures and commerce of England. In that sentiment he cordially agreed; and if the present Corn Bill or any other law had a tendency to strike at the root of the commercial and manufacturing prosperity of the country, and thereby inflict a more deadly and irreparable blow upon the agricultural prosperity of the country than any blunder that could be committed in direct legislation on the subject of agriculture, the agricultural Gentlemen, he thought, could not refuse to consider the question. He would not say there was reason for despairing or doubting of the future prosperity of a country like this, but there was sufficient of evil abroad to make it bad logic, and a misapprehension of facts, to exclaim against inquiry, lest the prosperous state of things which at present existed should be disturbed. The moral he drew was this: here was a state of things which might by possibility be improved by inquiry; but it required more ingenuity than could be brought to bear upon the question to show that the state of things could be injured by inquiry. He only asked for inquiry; he asked them not to condemn, although he admitted, as far as he was concerned, he was himself, as an individual, ready to condemn. Was an inquiry of this kind unusual, or, taken up on the present occasion, was it likely to do permanent harm? Their Lordships had had no hesitation in inquiring into agricultural distress whenever they had been asked so to do. In 1814, 1820, 1821, 1822, 1833, 1836, and 1837, they had inquired into agricultural distress, and not only into corn-laws, but into the currency, the poor-laws, and the whole general system of general and local administration which bore at all upon agricultural interests. Now, if they had been willing to grant inquiry one way, were they determined, or if they were, was it wise to refuse it on the other side? Was that just, was it impartial? Was it a judgment the public at large would ratify? It might be said the cases were not analogous, and it was also said that they did not know what arrangements they might disturb by agitating the question, what leases were about to be granted, and so forth. Some years ago a committee was granted, which, if ever there had been one calculated to disturb great existing interests, that was the committee. He meant that upon import duties. The present Government had taken their measures from the report of that committee, had founded their bills upon the testimony of witnesses before that committee, and surely that Government could not complain of a motion for inquiring into the effect of one act of Parliament, when they not only approved, but took credit to themselves for founding measures upon an inquiry which had extended into 1,100 acts of Parliament? It might astonish his noble Friend now sitting at the Table (Lord Ashburton), who had left this country when the tide was setting strongly against the import duties committee, to find that the report of that committee had formed the groundwork of legislative measures. There was a story in the writings of Washington Irving, which strongly reminded him of the position of his noble Friend. It was to be found in the history of New York by Knickerbocker, one of whose heroes, Rip Van Winkle, upon waking, after a sound and protracted sleep, was utterly astonished at the new state of things he beheld on opening his eyes. Now, from the cross benches his noble Friend had attacked the import duties committee, had reprobated the testimony of the principle witnesses;—and, upon waking like Rip Van Winkle, he must have been wonderfully surprised at finding legislative measures founded upon the report of that very committee and the evidence he had so strongly reprobated. If that committee had been found so harmless they had no right to turn round and refuse him inquiry into a single act of Parliament. But there was another precedent. Government brought forward their budget last year, and introduced a duty upon Irish spirits. Objection was taken to that duty in the course of the Session. A committee of inquiry into the operation of that act was moved for and granted. That committee sat and reported, and he only asked them to do that in the present Session in relation to one act of Parliament which they had done last year. But would any Peer contend, that there was so much confidence felt in the permanence and stability of our present Corn-laws, as to render an inquiry into their effect and operation, dangerous and inexpedient? What was their experience on this subject? Had the conduct of Parliament been steady and consistent, in dealing with that branch of law? Why, of all subjects of legislation none had exhibited such a system of change and variation: In what other case had measures been so rashly taken up on one day, and so unhesitatingly condemned on another, and that most frequently by the very persons who had first propounded them. The act of 1815 had been praised as loudly as the present law. He went back to 1815 because it was the commencement of evil; it was the introduction of a bad principle, it was the foundation of the sliding-scale, which he took upon himself to say was the root and foundation of the evil. But the popularity of the act of 1815 was not of long duration. In 1821 there was more corn legislation, but he would not read the Parliamentary altercations of the day, but the authoritative language of Mr. Huskisson's report, which said—

"The system is certainly liable to sudden alterations, of which the effect may be, at one time to reduce prices, already low, lower than they would have been under a system of free trade; and at another unnecessarily to enhance prices already high. On the one hand, it deceives the grower with a false hope of monopoly, and by its occasional interruption may lead to consequences which deprive him of the benefit of that monopoly when most wanted. On the other hand, it holds out to the country the prospect of an occasional free-trade, but so ill regulated and desultory as to baffle the calculations and unsettle the transactions both of the grower and dealer at home. The occasional prohibition of import has a direct tendency to contract the extent of our commercial dealings with other states, and to excite in the rulers of those states a spirit of permanent exclusion."

Much of that might be applied to the present law, but he had read the extract to show that this permanent security, this Palladium of 1815, framed by the ministry, and, with some few honourable exceptions, by almost all the opposition, and which had passed by as great an union of all parties as could be in the then state of affairs, was condemned in 1821. He would pass by the occurrences of 1827, giving thereby the best proof of a disposition to consider the subject calmly and without asperity. In the year 1828, however, a bill was introduced by the Government of the noble Duke opposite, and of which bill the noble Duke had the conduct in that House, and upon introducing it the noble Duke expressed his disapproval of the act of 1822. The act, then, of 1822 had been condemned by the amendment of 1827, and the noble Duke was reported to have said:

> "It was undoubtedly true that from 1815 to the present time the system of prohibition had been found exceedingly inconvenient. Indeed, on a variety of occasions it had been found necessary for the Government to interfere to introduce corn by proclamation. . . . The various interruptions it had been found necessary to give to the old system of Corn-laws had been equally inconvenient to the Government and to the corn growers. They occasioned great complaints on the part of the people at large — occasioned great jealousy on the part of agriculturists, and no small remonstrances from foreign powers."

There could be no stronger bill of indictment against any measure than these expressions of the noble Duke, and a noble Earl not now present, whose absence all must regret (the Earl of Ripon), not then acting in concert with the noble Duke, but speaking on the occasion in coincidence with him, said—

> "He would defy any one to state a case in which there had been such fluctuations as since 1815."

The bill of which year had been introduced by the noble Lord himself—the noble Lord thus affording a very happy subject for some one of those artists who were in the habit of caricaturing public men, for a study of Saturn devouring his children. The noble Lord, in his capacity of a legislator was driven by duty to the painful act, if not of eating his own words, at least of devouring his own measures. But it would be far better if their Lordships would give the people something to devour, than to devour their own blunders and mistakes. He was justified in saying, that there never had been a case in which less of permanency had been shown than in Corn-law legislation. The act of 1828, condemning preceding acts, had in turn been condemned by the present Government who were its framers, and he begged the House to observe their reasons for condemning it, and decide whether those reasons did not apply with equal force to the present law. But they had other reasons for doubting the stability of the present law. Measures had been introduced, and declarations made by the Government, which had left even the most credulous without faith in the permanence of the present Corn-laws. But other measures had been introduced and other declarations made. They had had declarations for the abolition of all protective duties whatsoever. They had been told by high authority that they ought to buy in the cheapest and sell in the dearest markets. That declaration might be rather loose in terms, but it could not be made by a class maintaining at the same time the doctrine of permanency. Nor was that all. There was a publication to which he had a right to allude, inasmuch as it had been named in the presence of the party to whom the authorship was attributed, and it had not been denied. It was a publication by a right hon. Gentleman, a member of the Government to which he alluded, and he alluded to the publication as a high honour to that Gentleman. And there could not be a greater proof, both of his wisdom and sincerity, than the publication alluded to—a publication universally ascribed to the right hon. Gentleman, the Vice-President of the Board of Trade. In that paper were the following expressions:—

> "We shall urge that the trade of foreign countries is essential to England, and that the trade of England is essential to foreign countries. We shall urge that foreign countries neither have combined, nor can combine, against the commerce of Great Britain; and we shall treat as a calumny that they are disposed to enter into such a combination. We shall urge that the industry of this country has nothing to fear from the steady and gradual increase of the importation of all commodities from abroad which can be produced there at a less cost of labour and capital than among ourselves; but that it has everything to fear from the cessation or decline of that mighty course of operations whereby benefits are exchanged between the several families of the human race."

It was impossible for any free-trader to declare the doctrine of freedom of intercourse between state and state more strongly, or more clearly. There was a reservation in regard to certain articles of agricultural produce; but in what mode was the reservation made? He would ask whether it were done in a way calculated to re-assure the agriculturists with respect to that permanent state of things which his harmless, innocent motion was considered so likely to endanger. The paper proceeded thus:—

> "With respect to many other articles, such as butter and cheese—indeed, with regard to all articles to which the simple and essential interests of the revenue will allow the rules (of the late tariff) to be applied, it has been declared that they are only temporarily exempted from the operation of those rules; and it is well understood that no time will be allowed to pass, except such as is necessary, before the work is completed."

That appeared to be pretty good notice to the gentleman of Leicestershire, Yorkshire, and Cheshire of a disturbance in that happy state of things which his motion was considered so likely to disturb. Observe, he did not complain of these expressions; on the contrary, he approved of them—he was delighted with them. He should be glad to hear the whole Government repeat these admirable principles. After discussing the inapplicability of protection to manufactures, the right hon. Gentleman adds,—

> "The question may be deemed more dubious as regards agricultural produce. There is the old vexed question of burthens on land, there is the admitted superiority of the soils in some competing countries. But on the other hand, British agriculture is imperfectly developed. Our manufacturers have thriven under the stimulus of competition. We think it can hardly be said that of late years this principle has been sufficiently brought to bear on the growers of agricultural produce. To say that they require to be stimulated—to say that unless stimulated they will not use their utmost efforts to economise and sell cheaply, and that the stimulus they can afford to one another cannot be sufficient, is but to say that they are men, and subject to the infirmities of men. . . . . No man who compares the progress of our population and our supplies of food, can deny but that our economic laws must be regarded—indeed, have they not been regarded—as mutable, according to time and circumstance?"

So here was a stimulus declared to be wanting, a stimulus promised to be applied to the agriculturists. How did they relish this anticipation? His motion did not go quite so quick, or quite so far, as this excellent author. He did not ask their Lordships to agree to the application of this stimulus, at once and without investigation. His proposition was more moderate; he asked that House to inquire into the effects of the present law, thus to ascertain whether the promised stimulus was necessary, and how it should be applied. Nor were they left in doubt with respect to the nature of this promised, or threatened stimulus—the stimulus was that of foreign competition, the stimulus was the increased importation of foreign grain. He adopted Mr. Gladstone's statement, but, before its adoption by the Legislature, he entreated their Lordships to inquire into the whole subject. He was far from mistrusting or discountenancing the argument, by moving for a committee. But he must say, that with respect to men who had laid down these enlarged general grinciples, which prepare the public for great future changes, it was the greatest of all inconsistencies to refuse an inquiry, on the ground of any possible disadvantages such inquiry can produce.

Lord *Wharncliffe* asked what was the paper to which the noble Lord had referred?

Lord *Monteagle:* The statement he had read was from a periodical publication, (*the Foreign and Colonial Review*,) and had been attributed to a right hon. Gentleman in another place, without any disavowal or disclaimer by the party concerned, or by any one on his behalf.

Lord *Wharncliffe:* But it goes no further than the one individual.

Lord *Monteagle*: The right hon. Gentleman was a member of the Government, and if the noble Lord the President of the Council would avow the same principles, he thought it would be highly to his credit. If all the cabinet would put their hands to this anonymous publication he did not think they could do anything to raise them more in the estimation of the public; or attach the people more to them. To shew that they were capable of holding such wise opinions, and recommending them in such forcible and eloquent language would be delightful to the people. On a former occasion those who pressed the state of the country on the attention of Government had been told that they were not justified in talking about the Corn-law, because there were so many other sources from which the general distress might proceed, and with which the phenomena of the present condition of England were manifestly connected. There were, it was said, the banking laws; but the Government said they were satisfied with them, and did not mean to amend them. There was also the bullion in the Bank of England; the currency might be disturbed, and the Bank embarrassed in its operations with the Exchequer; but the Bank at present had no apprehensions of that kind. Again, it was stated that much of the distress might proceed from foreign loans being contracted, which drew the capital out of the country; but no foreign loans had lately been contracted for. Others said that it was owing to the sale of foreign securities in our own markets; but such sales did not now take place, foreign securities having been in great part, for some reason, withdrawn. It was plain then that to none of these causes could the distress and the commercial embarrassments which existed be justly ascribed; and he thought he was justified in saying that any argument derived from the supposed inconvenience which an enquiry would produce on any of the great interests of the country was totally and entirely inapplicable to the existing state of things. They cannot well be more unsettled than they are, and this in the absence of all these other causes; and they are not likely to be less unsettled so long as the question of corn is left in a state which has become notoriously provisional. Now, let them examine what were the precise evils described by Government as inherent in the act 9 Geo. 4th, and see whether those evils were still found to exist in the act now in force, which was passed last Session. It was stated that the act 9 Geo. 4th, gave too high an amount of internal protection; that a protection beyond 20*s*. was an absurdity in itself, was entirely inapplicable, and brought odium on the agricultural interest, without being calculated to do them the slightest benefit. So far as that went, he admitted that the new bill was an improvement, because the duty in no case exceeded 20*s*.; but if all the evil previously done by the higher amount of duty continued under the existing duty, he had not much gratitude to waste on the Government or the Legislature for only repealing an inconvenience which did nobody any harm, while they continued all the hurtful and disadvantageous provisions of the former law. Whether life was taken away by a snipe shot or a bullet, was perfectly immaterial; they had diminished the bullet to the size of a snipe shot; but he should be able to show their Lordships that the mischiefs inherent in the new system were precisely those mischiefs which its authors condemned in the old law, and against which they wished to guard by introducing another measure. The principal objections to the old system were the great fluctuation of prices which it produced, and also the admission of great quantities of foreign wheat at the time of harvest, when an additional importation of corn was not needed by the consumer, and was highly prejudicial to the interests of the growers. The late bill was described, and described accurately, as working evil both ways; on the consumer it inflicted the evil of inducing the holder of corn to withhold it up to the very last moment, and to admit it, not when the price was actually rising, but when it showed indications of a fall. The evil to the grower was, that just at the time when the farmer had thrashed out his grain, he was subject to the forced and unnatural competition of all the foreign corn, which was taken out at the last moment. He must call the attention of noble Lords opposite to the injustice with which the law operated on the different classes of farmers. In some districts the farmers were poor; in others they were rich. The operation of this happy and blessed law was to raise the price very considerably towards the end of spring, summer, and the approaching harvest, especially at the time of gathering the harvest and immediately after it. How did this act on the poor farmer, and on the capitalist? Why, the large farmer might venture to hold his grain; he could stand the competition, and need not thrash it out just at the period when the foreign grain was admitted; he could take his chance of the market, but the poorer class of farmers, who lived from hand to mouth on the produce of their tillage, were compelled to thrash out their grain, and must enter into competition with the foreign grain which was admitted. It was on their heads, therefore, that the evil of the law chiefly fell. These evils were admitted to belong to the last Corn-law in the discussions of last year; it was now his purpose to show that this evil existed under the present law, and to fully as great a degree as before. Let him not, however, be suspected of blaming the act passed last Session; on the contrary, he thought it an amendment of the previous law. He had accepted it as such; he had voted for it, and not only did he admit the bill to be an amendment of the former law, but it went far to strengthen his argument. For if Ministers had introduced a bill, intending, as he believed they did, in good faith, to amend the law, and stating the reasons which induced them to attempt that amendment, and if they found that that evil remained in undiminished magnitude, he would attribute that result, not to any want of skill, knowledge, or sincerity on their part, but to some evil principle which was common both to the bill they introduced and the bill they attempted to amend. He found that the principle of the sliding-scale was common to both measures, and rather than attribute the unfavourable result of which he complained to the Legislature, he ascribed it, as he was bound logically to do, to that principle. He did not ask their Lordships to accompany him without examination to this conclusion; he only asked that they would inquire whether the effects were as he had stated them to be. He was sensible that he was intruding at an unwarrantable length on their Lordships' time; if he had any chance of getting his committee, he would not trouble them with these details, but having no chance of that, he was bound to make out his case. If the committee were granted, their Lordships would be saved much trouble; but he was obliged under the circumstances to make out his case, and he would do so. He would venture to say, that a more complete demonstration could not be made out than that which he would offer that the present Corn-law contained within itself all the elements of mischief which were admitted to belong to the former bill, passed in the 9th Geo. 4th. He would refer to a publication which was issued from the great corn houses in the country, for the benefit of the whole corn trade, and which contained all the information required regarding the weather, the state of the supplies, and the market prices. He held in his hand important extracts from the circulars of the corn trade before and after the passing of the present law. He would take first the year 1838, and would read some passages which would show the operation of the law in lowering the duty at the most unfavourable season for the home grower. They would prove that the effect of the old law was to cause English wheat to be neglected, and to encourage jobbing in the averages, in order to get the duty on foreign grain down to the lowest point:—

> "August 31.—The weather very fine for several days past, and the bulk of the crops saved in the neighbouring counties. Yesterday's general average proved 77*s.* and the duty 6*s.* 8*d.* Next week the duty would be 2*s.* 8*d.*, if not 1*s.*; and there is still the chance of the duty coming down to 1s. a quarter for the two following weeks. English wheat was neglected owing to the fine weather, and the near admission of foreign wheat at a low duty."

> "Sept. 3.—The weather favourable for harvest the last week, and the great bulk of the wheat crop in the neighbouring counties saved, and, with this weather, harvest will soon be general in the north. The duty on wheat declined."

With these prospects the price ought to have fallen, and the duty to have risen; but, by the operation of the sliding-scale, the effect was exactly contrary, for the duty on the whole declined. As long as they clung to the sliding-scale, they would cling to an instrument which would produce endless frauds. It would be seen that as the prospect of a good harvest became more certain, the duty became lower, and the prospect of undue competition increased:—

> "Sept. 12. The weather very fine for the last three or four days. From a calculation made of the returns, there seems no doubt of the duty on wheat being 1*s.* to-morrow.—Sept. 14. The week's average proved 48,906 quarters at 70*s.* 2*d.*, six weeks' average 73*s.* 2*d.*, consequently foreign wheat may be cleared for a week at 1*s.* duty. The duty will probably advance to 2*s.* 8*d.* next return.—Sept. 17. Duty 1*s.*; expected to advance next return. Wheat cannot be cleared at this duty after two o'clock on Wednesday; nor can a vessel be reported inwards till past Gravesend, and till furnished with a quarantine certificate."

He would now refer to the year 1840. It was said under date of August 3:—

> "Weather the last two or three days fine and favourable for harvest, which has generally commenced in the south.—Aug. 7. Weather uninterruptedly fine for harvest this week. Decline of duty on wheat 3*s.* a quarter. —Aug. 14. Quality of new wheat fine and heavy; growers speak favourably of the yield.—Aug. 21. Our trade is mainly governed by the weather. Tuesday stormy, and on Wednesday several hours rain. Duty declined 4*s.*—Aug. 28. Weekly average 72*s.* 7*d.* Every reason to expect the duty down to 2*s.* 8*d.*; it is questionable whether it will remain for more than one week at 2*s.* 8*d.*—Sept. 4. Duty declined yesterday to 2*s.* 8*d.*, at which rate the wheat and flour in bond, fully 1,000,000 of quarters, will be cleared. The

duty is not likely to remain at 2*s.* 8*d.* more than a week. The duty will rapidly advance to 18*s.* 8*d.* per quarter."

There was the statement. This was the way in which we carried into effect reciprocity treaties. This was the way in which we placed the United States on an equal footing with Rotterdam and the ports just across the Channel. A single week might make the difference of gain or great loss to one country or another, and this was the state of the law—a state which placed the trade at the mercy of the weather, to which noble Lords professed their determination to adhere. In the year 1841, he found that the state of matters was as follows:—

> "August 18. Weather now very fine for harvest; duty expected to decline a stage on wheat, barley, &c.—August 25. It is thought the duty will decline 5*s.* to-morrow.—Aug. 30. Weather exceedingly fine for the last four or five days, and favourable for harvest, which has the usual effect at this season, of an unnaturally great stagnation and panic in sales.—September 1. The weather continues exceedingly fine for harvest; bonded wheat held over for the low duty next week.—September 3. There is little doubt but that the duty will further decline from 6*s.* 8*d.* to 2*s.* 8*d.* next week; holders hang back from selling till the duty reaches the lowest.—September 15. Arrivals of foreign wheat unexpectedly large, 116,300 quarters in two days.—September 17. Yesterday the duty declined to 1*s.* on wheat."

The result was, that in 1838, out of 1,818,000 quarters imported, 1,513,000 were imported in September; in 1840, out of 2,282,000 quarters imported, 1,105,000 were imported in September; and in 1841, out of 2,388,000 quarters imported, 2,144,000 were introduced in September, and 1,800,000 in one week. Such was the state of things before Sir R. Peel's Corn-law; I proceed to shew that it remains unaltered under the act of 1842. He held in his hand the circular of the trade for the last year; he would read its statements, and then he would ask the noble Lords opposite to say whether the evils which had been shown to exist, and which they admitted to exist in the former law, did not exist in undiminished force under the present act? There was one distinction between the last year and former years; by the mercy of Providence our harvest was earlier, but for that we had not to thank noble Lords or the Legislature. He knew that once, when somebody had asserted that great thanks were due to the Government, Sheridan said, "Yes, and especially for the late abundant harvest." He did not carry either his sarcasm or his credulity so far; he admitted that Government had effected an improvement by the Corn-law of last Session, and he thanked them for that, but he did not thank them for the harvest. The statements of the circular for 1842 were as follow:—

> "July 1. Copious rain, benefiting the growing crops generally; duty declined to 9*s.* per quarter.—July 4. All spring corn benefited by the rain.—July 15. Weather exceedingly fine this week; duty declined yesterday 1*s.*—July 18. Weather continuing fine, English wheat 2*s.* to 3*s.* cheaper.—July 20. Arrivals of foreign wheat since Monday very heavy.—July 22. A further considerable arrival of foreign wheat.—July 25. Weather exceedingly fine: arrival of foreign wheat large; harvest general.—Aug. 1. Weather favourable; sample of new wheat fine; factors had to submit to a reduction of 4*s.* to 6*s.*—Aug. 8. 300 quarters of new wheat, all superior, weighing 63lb. to 65lbs. the bushel.—Aug. 12. There seems no doubt that the duty on wheat will advance on Wednesday; we expect a very large quantity of foreign wheat will be cleared in the interim. Aug. 17. Wheat is clearing at 8*s.*, in the expectation of its being 9*s.* to-morrow.—Aug. 19. The quantity of foreign wheat cleared at this port this week, at 8*s.*, previous to the duty advancing to 9*s.*, is 600,000 quarters, besides 130,000 cwt. of flour, and since May 881,000 quarters."

The result was, that out of the year's import of 2,755,000 quarters, the import in August was 2,186,000 quarters. It might be said that this wheat had been cleared at a duty of 8*s.* instead of 1*s.* He admitted, that that was a benefit, but the merit of it could not be claimed by noble Lord's opposite, who rejected altogether the idea of deriving any benefit to the revenue from a duty on corn. This was merely an additional ground on which they ought to be ashamed of themselves. They levied 7*s.* too much duty, because the price obtained by the farmer in the market, for home grown corn, would have been exactly the same had there been no duty at all. The price was not regulated in August by the amount of duty paid on foreign wheat, but by the quantity of wheat in the market, compared with the means of the buyers to purchase. He argued this point against the Gentlemen friendly to a free trade in corn, when they said, last year, release the grain from bond, and we shall get the benefit of it. This benefit to the consumer he then denied, and still denied. The duty repealed would have gone into the pocket of the owners of the grain; for unless the quantity brought to market was increased, the price to the consumer would not have fallen. He admitted, however, on his principles, that the 8*s.* duty was a great benefit to the State; but it was a benefit to which noble Lords opposite could lay no claim, inasmuch as they repudiated the principle of levying a revenue on corn altogether. One great anomaly of the act of last Session was the introduction of what were called rests; that was, a fixed duty with respect to certain important parts of the scale which regulated the price. He hoped the noble Lord opposite would tell the House on what grounds these rests had been introduced. They must be either better or worse than a sliding-scale. They were not the same thing, but perfectly different in principle; then why did noble Lords introduce those rests? They were introduced because they were considered to be an improvement, and he thought them an improvement also, and he was glad to see the principle of a fixed duty admitted. That principle was admitted in another measure, which had a direct bearing on the question of the permanency of the great charter of the agriculturists—the Corn-duties. It was well known that it was the intention of the Government to introduce a bill of very great significance to the admirers—if such there were—of the sliding-scale. He very much doubted that any person would tolerate that system from any other motive than necessity. The people might ride a very bad horse, because they had no other, but a more vicious, ill-conditioned horse, one more galled, maimed, lamed, spavined, that would not be shown at Tattersalls', and that no one would be found to warrant, was not to be found than the legislative *cheval de battaille* he was now considering. When noble Lords opposite altered, last year, the duty on American corn, they must have a sliding-scale with it. Formerly, under the 9th George 4th, there was a fixed duty, or what was almost the same thing, it being 5*s.* in all the contingencies likely to occur, and 6*d.* under other circumstances. Noble Lords were resolved to have their sliding-scale applied to the colonial duty, like the man who painted red lions, and painted them every where. He could not but wonder that any article in the tariff of last year escaped the application of the sliding-scale. Wherever ministers could introduce it, they had done so; but he presumed that they had discovered the vice of the principle, else why did they now wish to change it? They were about to introduce a bill to allow American corn to be brought into this country subject to a fixed duty of 3*s.* There was, however, a difference between the manner in which noble Lords opposite applied the principle and that in which it was proposed by the late Government to apply it. The late Government thought that a fixed duty would be advantageous to both producers and consumers—to the farmer and the merchant — but they thought that it would be right that the revenue it yielded should be applied to English purposes. But noble Lords opposite wished to show that they rejected all idea of a duty on wheat, and they said, let it go for the benefit of the colony, we will not touch a farthing of it. Fluctuation of price, he contended, with its attendant evils, was equally inherent in the late and in the present Corn-law. He had prepared a table which would exemplify the unjust and partial operation of the law on the interest of the agriculturists. He took the years from 1837 to 1843, and compared the total amount of foreign grain admitted to home consumption in each year, with the amount admitted during the harvest-month; and in order to bring the matter to a simpler test, with the amount admitted during a single week of each year. He thought the farmers would see that nothing could be more prejudicial to them than the importation of a great quantity of foreign wheat at the most critical period of the year. The necessary consequence of a sliding-scale was to pour the great bulk of the foreign grain into the market as the harvest was about to be gathered in. The table was as follows:—*

If it were possible for the ingenuity of man to set himself on devising the system that could do his interests most injury, it would be that which he was now describing. So far was this evil from being remedied, that it was scarcely lessened by the act of the last Session. Last year, out of the whole quantity imported, 79 per cent. was admitted in a single month, and 55 per cent. in a single week. Again, taking the weekly averages for the harvest months of the last four years, it would be found that the fluctuations had been higher in the last than in any of the preceding. They were as follow:—

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* See Table (as note) following page.

1839.	Highest price ..	72*s.* 3*d.*	
	Lowest	65*s.* 6*d.*	
			6*s.* 9*d.*
1840.	Highest price ..	72*s.* 7*d.*	
	Lowest	62*s.* 5*d.*	
			10*s.* 2*d.*
1841.	Highest price ..	76*s.* 1*d.*	
	Lowest	61*s.* 6*d.*	
			4*s.* 7*d.*
1842.	Highest price ..	65*s.* 8*d.*	
	Lowest	50*s.* 9*d.*	
			14*s.* 11*d.*

Years.	Total Wheat and Flour entered for Home Consumption a Year.	Entry at Harvest Month.	Proportion per cent. of Month's Admission to Year's Admission.	* Years.	Wheat. Largest quantity entered in one single week.	Duty on such admission.	Proportion per cent. of the week's admission to the whole year's admission of Foreign Wheat.
						s. d.	per. cent.
1837	210,000	163,000	78	Sept. 8, 1837	98,000	28 8	47
1838	1,818,000	1,513,000	83	Sept. 7, 1838	1,261,000	1 0	73
1839	2,698,000	812,000	30	Sept. 20, 1839	701,000	6 8	28
1840	2,287,000	1,105,000	48	Aug. 28, 1840	1,217,000	2 8	60
1841	2,647,000	2,178,000	82	Sept. 10, 1841	1,852,000	1 0	83
1842	2,777,000	2,186,000	79	Aug. 11, 1842	1,453,000 Not including flour.	8 0	55

For fourteen years preceding the passing of the act, the fluctuation was less, on the whole, than under the act of last Session; from 1828 to 1842, it was less in nine cases, greater in four, and equal in one. In the weekly London averages, from 1831 to 1842, eleven years, the fluctuation was less than under the present act in seven cases, and greater in four cases only. It might be said, that you never could obtain steadiness in the price of grain. The fact was, that it was a question of more or less; those who said out of doors that by a free trade in corn you would get rid of all fluctuations in price, asserted what was contrary to the plainest dictates of common sense. What he asked was, that the Legislature should not increase the mischief beyond what was inevitable. The real principle on which the present act was founded, was, that a Legislature could control the elements and the seasons. They pretended to say, that they could give plenty when the Great Master of all things had decreed scarcity, and that they would create a scarcity when he had ordained that plenty should reign. They were legislating with respect to prices, as they had done in barbarous days with respect to wages, forgetting that prices were, like wages, beyond their control. They had a better and more rational Corn-law before 1773—a rated duty, which was open to objections no doubt, but free from the glaring absurdities and mischiefs of the sliding-scale. The fluctuations then were much less than half what they were under the present system, as the following table would show:

FLUCTUATIONS OF SIX WEEKS' AVERAGE PRICE OF WHEAT, FROM 1784 TO 1789.

Years.	Highest Six Weeks' Average.	Lowest Six Weeks' Average.	Difference.
	s. d.	*s. d.*	*s. d.*
1784	48 2	41 10	6 4
1785	37 5	34 6	2 11
1786	36 2	33 10	2 4
1787	44 10	36 1	3 9
1788	45 1	42 9	2 4
1789	54 11	47 0	7 11

The effect of the sliding-scale clearly was to make the speculators bring their corn to market at the time most unfavourable to the home grower, and when the public would derive least advantage from it. It increased the profits of successful speculation, and the risks and losses of unsucessful speculation, and made the trade more of a gambling character than before. It stood to reason that the fluctuations of price must be greater under the sliding-scale than under any other system. If they made the state of the duty such as to lead the merchant in Dantzic to speculate on the fall of duty, they were, in point of fact, doing that which had a tendency to put money into the pockets of the men at Dantzic. He (Lord Monteagle) had compared the prices at Dantzic and in England during a succession of years, and that comparison brought him to a curious result :—

Years.	Difference between highest and lowest at Dantzic.		Difference between highest and lowest London weekly average.		Difference between highest and lowest six weeks' average.		Wheat and wheat flour imported.
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	Qrs.
1833	4	4	9	0	5	7	183,000
1834	4	10	10	6	8	1	109,000
1835	5	3	9	5	6	2	43,000
1836	13	4	26	9	23	10	234,000
1837	9	11	10	5	7	1	544,000
1838	25	2½	27	10	23	3	1,355,000
1839	30	4	14	10	12	11	2,862,000
1840	23	9	19	10	12	5	2,234,000

If it was said that the fluctuations had, during the years 1838, 1839, and 1840, been greater in Dantzic than in England, how had it been in the years from 1833 to 1837, when the importation had been scarcely worth speaking of? If this document, which he (Lord Monteagle) had just read, was not sufficient to persuade their Lordships that free-trade was less liable to fluctuations than a system by which the Legislature sought to tamper with prices, he was at a loss to think what demonstration would be held sufficient. If he were not unwilling to detain their Lordships, he might refer to similar tables respecting St. Petersburgh and Odessa. The following table was extracted from Mr. Hubbard's excellent work on the Corn trade :—

AVERAGE PRICE OF WHEAT FREE ON BOARD.

Years.	Dantzic.		Petersburgh.		Odessa.		England.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
1831	52	8	56	11	30	0	66	4
1832	39	6	33	7	26	10	58	8
1833	31	6	32	0	31	4	52	11
1834	27	4	32	1	33	2	46	2
1835	26	0	32	3	25	7	39	4
1836	28	6	35	0	22	0	48	6
1837	31	1	32	8	22	10	55	10
1838	41	10	40	11	24	11	64	7
1839	51	9	39	9	30	0	70	8
1840	46	6	42	11	30	10	66	4
Average . .	37	7	36	0	27	9	56	11
Highest price .	52	8	36	11	33	2	70	8
Lowest price .	26	0	26	0	22	0	46	2
Difference . .	26	8	10	11	11	2	26	6

But he would invite their attention to a letter from Mr. Horner, and to a better authority it would be impossible for him to refer. Mr. Horner in a letter dated the 12th of February, 1815, wrote thus:—

"My theory respecting fluctuations would be, that upon the whole nothing would contribute so much to make prices steady as leaving our own cornfactors unfettered by regulations and restrictions of our own making; and without embarrassment from that source, to make their own arrangements for bringing corn when it is wanted, from the various large and independent markets of which in the present circumstances of the world they have their choice."

This was just what he said. He now wished to prove to their Lordships that these fluctuations were necessarily incidental to the sliding-scale. From the passing of the 9th of George 4th, the sliding-scale, strictly so called, had been in force with respect to every description of foreign grain; but with respect to colonial grain an entirely different system had been in force. On colonial grain the duty had been 5*s.* in some cases, and 6*d.* in others. During seven years, however, the duty had been constantly 5*s.* Now, if it was found that the supply of colonial corn was governed by an entirely different principle to foreign corn, their Lordships ought to ask themselves to what that difference was to be attributed? It could only be traced to a difference of system—to the existence of a sliding-scale in the one case, and to the existence of a fixed duty in the other. He held in his hand a paper showing the proportion between the colonial corn introduced during the harvest month, and during the whole year, and he found the proportion just reversed from that which existed in the case of foreign corn. The colonial corn, instead of coming into the country in sudden gusts, came in according as the demand arose, and consequently the introduction of the colonial corn was attended by beneficial consequences to all classes. In the one case they had the sliding-scale, and in the other a fixed duty. There was the difference. In the one case we are shewn the effect of the sliding-scale, and in the other that of a fixed duty:—* The table exhibiting these distinctions deserved a very minute examination. In 1839 it was true that the foreign trade exhibited some proofs of steadiness. But why was this? Because during four months the duty was fixed, and during that period the supply became more gradual and regular. On the contrary, whenever the colonial duty passed, or had a tendency to pass from 5*s.* to 6*d.*, then the fluctuations incidental to the sliding-scale manifested themselves. On a subject of commerce or finance he could not conceive a more conclusive demonstration than was afforded by these facts. Now what was the state of things produced by this state of the law? Let them ask those interested in agriculture—let them ask those interested in manufactures, whether the state of things produced had been a satisfactory one. Had it been satisfactory to the merchant importer? He would take it on himself to say, that at no time had such wide and devastating ruin been brought upon any other class of the community, as had lately been the case among the importers of foreign corn. He was sure that he spoke within bounds, when he said that their losses had amounted to somewhere between two and three millions sterling, and these losses had literally been the consequences of the sliding-scale. The wide-spreading ruin by which the town of Wakefield had been overtaken would not have occurred if a fixed duty on corn had been in existence, for the people there would have known that they were not likely to gain anything by withholding their supplies from the market. Yet he could prove to their Lordships, if they would grant him the committee he asked for, that there was a fair prospect that corn would have come in at a duty of 1*s.*, in which case the transaction would have been one of considerable profit. But, by making the trade in corn so ruinous a one, they drove out of the market all men who were not desperate gamblers. As an instance of the ruinous effects of the speculative trade produced by the sliding-scale, he might quote a case that came before the Court of Bankruptcy last October. The bankrupt's name was Baker. He had failed in consequence of speculations in corn, and his balance sheet, a very voluminous document, showed debts to the amount of 588,727*l.*, and this man, it appeared from the same balance sheet, had introduced into his business a capital of only 5,974*l.* And yet the case was one that excited no exasperation among the creditors. No exceptions were taken to the balance-sheet, and the bankrupt was allowed to pass without any farther question being asked of him. They drove men of capital out of the corn-trade; but by so doing they inflicted a most serious injury on agriculture, independently of depriving the corn trade of its legitimate character. And in making these remarks to their Lordships, he wished it was possible for them to forget that "fixed duty" and "sliding-scale" had ever been made words of party warfare. At all events, he would entreat them to consider the question entirely on its own grounds, and abstracted from all previous contention. He felt that he must have wearied them by so long an address, but he thought he had succeeded in making out a strong case for inquiry. However, he would see if he could not strengthen it yet more. A noble Friend near him reminded him of one important difference in the importation of colonial and foreign grain. The foreign grain was admitted just at the time most disadvantageous to all parties concerned. In the year when the proportion of foreign corn imported in the one month amounted to 78 per cent. of the importation of the whole year, the importation of colonial corn in one month amounted only to 24 per cent. on the

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* See Table (as note) following page.

WHEAT AND WHEAT FLOUR ENTERED FOR HOME CONSUMPTION IN THE YEAR, AND IN THE SINGLE HARVEST MONTH.

Years.	Foreign Wheat and Flour.			Colonial Wheat and Flour.		
	Total year's entry.	Single month's entry about harvest.	Proportion per cent. between months & years entry.	Total year's entry.	Single month's entry about harvest.	Proportion per cent. between months & years entry.
1837	210,000	163,000	78	33,300	8,100	24
1838	1,818,000	1,513,000	83	29,600	6,600	22
1839	*2,698,000	812,000	30	12,700	5,100	40
1840	2,287,000	1,105,000	48	113,700	26,600	23
1841	2,647,000	2,178,000	82	259,123	123,000	47
1842	2,775,000	2,186,000	79	214,334	53,634	25

* Duty on Foreign wheat stationary for four months at 1*s.* in 1838 and 1839.

From 1832 to 1837 the duty on colonial wheat was 5*s.* invariably, the amount of corn admitted at harvest was about 12 per cent.

whole year. In the year when foreign corn was 83 per cent., colonial was only 22, and so throughout; and he would undertake to prove that, in the one instance, they had a regular supply just when the country wanted; in the other instance, they had sudden and large importations at a time when they were least needed by any class. He would, with their permission, call further witnesses to this fact. Here was the opinion of the late Mr. Ricardo:—

> "Although a duty on the importation of corn would not be so wise a measure as the approach to that system which he had suggested as the true principles of a corn trade, yet he did think that a permanent duty on importation would be a much wiser measure than that which had been advocated. Let them have a certain moderate duty, which should have a tendency to produce a price of corn that would not be very variable."

A few years later (1825) a noble Friend of his (Lord Brougham), then a Member of the House of Commons, said:—

> "It was now time to sweep away that system of averages, which was liable to all the objections made to the system of prohibitions. It was now time to get out of what had been called the sliding-scales, only laying on such a protecting duty as would enable the agriculturist to grow his produce on such terms as to stand the conflict with the foreign grower."

In the report of the committee of 1821 he found the following statement:—

> "Your committee are the more anxious to impress on the attention of the House the real state of the corn trade between 1773 and 1814, as it appears to them, in connection with the progress of general prosperity in the country, and more especially with the great improvements in agriculture, and its highly-flourishing condition during that period, to suggest to Parliament, as a matter highly deserving of their future consideration, whether a trade in corn, constantly open to all nations of the world, and subject only to such fixed duty as might compensate to the grower the loss of that encouragement which he received during the late war, from the obstacles thrown in the way of free importation, and thereby protect the capitals now vested in agriculture from unequal competition, is not, as a permanent system preferable to that state of law by which the corn trade is now regulated."

That was the opinion of the committee of 1821. He now came to the committee of 1822, and these were the expressions which he found in its report:—

> "If the circumstances of this country should hereafter allow the trade in corn to be permanently settled on a footing constantly open to all the world, but subject to such a fixed and uniform duty as might compensate the British grower for the difference of expense at which his corn could be brought to market, such a system would in many respects, be preferable to any modification of regulations depending on average prices, with an ascending and descending scale of duties, because it would tend to prevent the effects of combination and speculation in endeavouring to raise or depress those averages, and render immaterial those inaccuracies which have occasionally produced mischievous effects on the market. Your committee look forward to such a system as fit to be kept in view for the ultimate tendency of our law, rather than as practicable in any short or definite time."

He would call on their Lordships to say whether a definite time had not passed away? Twenty years had since elapsed, and he would ask whether it was not now high time that the Legislature should have arrived at years of discretion? These opinions of the committee were fully confirmed in a most important letter from Mr. Solly, an experienced merchant, submitted to the committee of 1821. That gentleman stated in May 1821;

> "The experience I have had in the corn trade has confirmed the opinion that it would be more for the interest of the grower at home and in Prussia, if the importation into this country was at all times allowed at a certain fixed rate of duty, which might be so regulated as to compensate for the greater expense of cultivation of the British farmer. By the present system the surplus wheat of the Baltic is hoarded to the extent of two or more years export, to be poured into the market at once. The period at which the opening of the ports generally takes place, is about or soon after harvest time; not because the new harvest is deficient, but in consequence of the prices of the past weeks having, from the circumstance of diminished supply, risen to a given height. If the surplus foreign corn might be imported at all times at a fixed duty; it would be brought in or kept out of the market in proportion to the price, and would be gradually absorbed in the consumption and stock of the country."

Mr. Solly's evidence was corroborated by a letter addressed to the late Lord Londonderry in the same year, by Mr. Mellish then Consul General at Hamburgh.

> "On the opening of the ports in August last for oats, an immediate rise of 30 or 40 per cent. took place. The shortness of the time allowed for importation occasioned shipments to a much greater extent than would have been the case, had the ports remained open; from

the rapidity with which shipments were made, to arrive in time, many persons were induced to send their grain to England, who would not have done so had they had time to ascertain the quantity shipped from other quarters. Had the English ports been open for a year it is probable that the importation would not have been much greater, but it would have been more gradual, and consequently not so ruinous. A moderate advance on the Continent, and a moderate reduction in England would have taken place."

If their Lordships would refer to the papers on the Table, to the evidence taken in 1821, in 1833, and in 1836, to the reports of Mr. Meek, and the foreign tariff of Mr. McGregor, those papers would prove how complicated, as well as how extensive was the mischief produced by the sliding-scale. He had not as yet alluded to the shipping interest. Let him refer their Lordships on this subject to the evidence of Mr. Hedley and Mr. Young of Newcastle on Tyne, and South Shields—

"If there was a fixed duty on Corn," observed the former of these witnesses (Evidence, 1833, Question 8282), "it would give very great increased employment to British shipping instead of foreign in the early part of the year; at the present moment, when any prospect of bad weather occurs during the harvest, or even in the spring of the year, orders are sent out so quickly that there is not time to send English vessels out, and the foreign vessels are taken up forthwith. Now if there was a fixed duty there would be none of that speculation, and we should have a supply of corn of superior description; there would be a regular import instead of a fluctuating one. I think if there were a fixed duty British shipping would become carriers of nearly all the corn."

The examination of Mr. Young was equally important, their Lordships will find it as follows in his reply to Questions 7294, 7295, 7296, in the Report on Manufacturing Distress, in 1833.

"7924. Do you think that having a larger portion of the carrying trade in corn would be beneficial to you?—Yes, it would. If there was a fixed duty on corn I have no doubt it would be beneficial to us; for at the present time, if the ports are opened, orders go out to foreign ports; the foreign ships are at home and get freighted, and before the English ships can get out, the principal part of the orders are filled up, and the freights get lower; we are therefore disappointed when we get there.

"7925. Is not that in consequence of the short period for which corn can be imported a low duty under the existing law?—Yes.

"7926. So that the foreign merchant is anxious to take the first opportunity to ship his cargo, which would not be the case if there was a fixed duty?—Yes.

"7927. Do you consider that an alteration from a fluctuating to a fixed duty would be the means of giving additional employment to British shipping?—Yes, it would."

Our Consuls, during the last year, collected most valuable evidence to the same effect, and it was with peculiar earnestness that he invited attention to the reports of Consul-general M'Gregor, which contain the soundest and most practical information. The following extracts from the consular correspondence deserved attentive consideration.

"*Rotterdam.*—If England continues the sliding-scale, it is probable that Holland would still continue a depôt for foreign wheat, but if a fixed duty be adopted, that country would cease to be a depôt.

"*Stetten.*—Corn would certainly be imported to be kept in depôt in England. The injury to which wheat corn is exposed in a low damp country like Holland is very great.

"*Elsinore.*—If the trade was made constantly open (subject as appears from the context to a moderate fixed duty) the natural consequence would be, that the English merchant would again become the principal agent for the regular supply of his own country with corn, directly from the place of its growth, and that British shipping would be employed to a much greater extent than it is at present, in the carriage of grain under the present system.

"*Kiel.*—In 1818, the butter exported from Kiel did not exceed 1,000,000 lbs., at present it is four, owing principally to less corn being grown, and more land converted into pasture; the fluctuating nature of the corn duties in England rendering it more advisable to keep cows and make butter, where the profit is moderate, and the demand steady, than to incur the risk and the uncertainty of the Corn Market."

Looking at the effect of a fixed duty more generally, their Lordships would find themselves led to the same results. Mr. Tooke, one of the greatest authorities in economical science, nearly exhausted the subject in 1821. Mr. D. Hodgson, an eminent merchant of Liverpool, gave most practical evidence; before the committee of 1836 (p. 107), he states,—

"I think an 8*s*. duty would produce less fluctuation; any unvarying plan that would admit such quantities as might be wanting from time to time on a fixed duty, I think would tend to render the price more certain and steady at home.

"P. 110. I think the effect of the former system of fluctuating duties is to lower the price in times of plenty, and unnaturally to increase the price in time of dearth."

If it were objected that this was merely the evidence of mercantile men, he would refer to the examination of Mr. Bell, a considerable farmer in Berwickshire, and in quoting this witness, he took care to include that portion of his evidence which made in any degree against his argument.

"I am not sure (observed this intelligent but cautious witness) that a fixed duty would not ultimately be the most satisfactory; but it is a difficult question, because a fixed duty in scarce seasons would not be submitted to. I would make no alteration in the present law, unless an alteration to a fixed duty. By the present Corn-law, wherever the price approaches near to the rate at which foreign corn can be brought in with a profit, prices may be run up by artificial means; then a great quantity of corn would be improperly liberated and thrown upon the market, and thus might probably depress the market for a whole season. Now at a fixed duty this could not take place."

From the midst of the improved agriculture of Norfolk similar testimony was obtained:—

"I should be for a fixed duty, (observed Mr. Tyson of Thetford), beginning with a high duty and going down annually 1*s.* a quarter, and I should be disposed to fix 5*s.* a quarter on wheat ultimately."

The witness was then asked, (Question 12681).

"Do you think that the farmer with a protection of 5*s.* a quarter, could grow wheat in competition with the grower of corn on the Continent?—Yes, with the increased intelligence which is abroad; and the impulse that will be given to agriculture, in consequence of the Poor-law Bill. I do not contemplate that our prices are to go down to the prices of the Continent, but that the prices on the Continent will more nearly approximate to our prices. I will state a fact which illustrates what I have just advanced, and it is this. There are two articles of agricultural produce which are not protected by high import duties, rape seed and wool, and both these articles are selling, and have been selling at a fair price. The duty on rape seed is only 1*s.* a quarter."

Nor were these opinions confined to British merchants; with more or less modification (some of which modifications greatly confirm the general argument) the same principles prevailed on the Continent as might be learnt from the Consular Reports. They learn from Elsinore, that—

"In the event of foreign corn being admitted for consumption in England, on payment of a moderate duty, the immediate consequence would, most likely, be a general rise of prices at the places of production. This would, however, soon again find its level; and although, on the whole, prices may perhaps be kept 10 to 15 per cent. higher than the average prices of the last ten years, yet it may reasonably be expected that they will be more steady, and less subject to fluctuation than they have hitherto been. Nothing will tend more to stimulate the energy of the Danish landowner than the opening of the British markets for the permanent sale of his produce, on the payment of fixed and moderate duties."

From the consul at Lubeck we receive some curious information, showing how far selfish interests may interfere, and give a direction to mercantile opinions:—

"The merchants at Lubeck, Rotterdam, Bremen, and Hamburgh, are desirous that the Corn-laws of England should remain unaltered; but they admitted, at the same time, that it was for the interest of England, as well as of foreigners, that some modification should take place, in order that speculation might be diminished, the trade rendered more steady, and the country relieved from the great drain on its treasure to which it was occasionally and suddenly exposed. If England should adopt a fixed duty at too low a rate, they were afraid of the competition of Odessa and of America."

But the evidence and reasoning which he had ever been inclined to consider the most valuable, and, in almost all points, the most accurate, was that which bore the high authority of Mr. S. Jones Loyd and Mr. Senior; and it was the more important, as it refers to Mr. Canning's bill of 1827, and not to the act which he had been discussing.

"It is clear, (observed the hand-loom weaver commissioners,) that this plan is affected by nearly all the vices of the present law. Like the present law (4 Geo. 4th.,) it endeavours to keep corn at an artificial price. Like the present law, it must prevent any steadiness in the corn-trade. A duty rising as the price of the commodity falls, and falling as it rises, that is to say, diminishing as the value of the article increases, and increasing as the value of the article diminishes, is a monster of fiscal legislation reserved for the corn-trade. Such a measure might have been supposed to be intended for the purpose of excluding from the trade all men of capital and prudence, and tempting into it the gamblers of commerce. The two great evils of average high price and fluctuation, would probably continue if Mr. Canning's bill, or any other measure, founded on its principle, were adopted, though, of course, in proportion as the scale of the duty were lowered, those evils would be diminished in degree."

Such was the class of witnesses whom he should propose to examine, if their Lordships could but be induced to grant his motion. And who would be the witnesses on the other side? Would they venture to call a man of the knowledge and ability of Mr. Horsley Palmer, one of the Bank directors? Would they summon Mr. Hubbard, belonging to the same corporation? Would they examine Mr. Lyall or Mr. Masterman, members for the City of London? Or would the Government produce any country gentlemen who would declare that the effects of the law had been found satisfactory to them and to the farmers? He doubted whether this would be done. He had had to hail many conversions, of late, on this point among country gentlemen, and it was singular that when any alteration in opinion took place, it was the doctrine of the sliding-scale that it was abandoned. Never, in the course of his experience, had he heard of an instance of a man who, once opposed to the sliding-scale, had ultimately become a convert to its expediency; but they had known many who, having been advocates of the sliding-scale, had, after more mature reflection, abandoned it. He felt satisfied the time was not very far distant when the great bulk of the landed interest would recognise the soundness of the opinions in favour of freedom of trade entertained on this subject by the present Lord Spencer, the late Lord Leicester, and by many others eminent, not only as landed proprietors, but as practical farmers. The progress of opinion, which was thus manifested, practically decided the question.

> "On entering into any negociation (observed Talleyrand) I always inquire whether time is for me, or against me, and act accordingly."

The Legislature would do wisely to take the same course, for they might well be assured that where the sliding-scale was daily losing support, and a more liberal system was gaining in numbers and strength, the battle was not only fought, but the victory was won. Time, to use Talleyrand's words, was clearly on their side. He fully believed, that every hour this question was postponed, its solution was less likely to be satisfactory to the landed gentry. He would not repeat the stale and worn-out illustration of the Sybil's books, but he was convinced, that every day the adjustment of this question was delayed, the more difficult would any compromise become. It would be unfair, after using the name of Mr. Huskisson, in favour of a fixed duty, in consequence of his Report on Agriculture, in 1821, if he were to conceal the opinion pronounced by that Gentleman at a subsequent period, in favour of a sliding-scale; but if noble Lords on the other side, claimed the benefit of Mr. Huskisson's change of opinion on that occasion, he, on the other hand, must ask, what was the opinion ultimately pronounced by Mr. Huskisson? In 1830, in the maturity of his experience and knowledge, what had Mr. Huskisson said, or rather written, on the subject? In a letter written on the 25th of March in that year, he thus expressed himself:—

> "It is my unalterable conviction, that we cannot uphold the existing Corn-laws, with our taxation, and increase the national prosperity, or preserve public contentment. That these laws might be repealed without affecting the landed interest, while the people would be relieved from their distresses, I have no doubt whatever."

He referred to these opinions, not as conclusive reasons why Parliament should now and at once repeal this law, but as powerful arguments in favour of his motion for inquiry. Depend upon it, they could not adhere to the present law with a constantly increasing population. After an addition of 8,000,000 made to the population of Great Britain since 1800, it was utterly impossible for any rational man to doubt, that they must soon be compelled to make a change in the law. They could not any longer contend that they were independent of foreign supply. A foreign supply they must have; and on that point he would refer them to the conclusive opinions contained in the report of the committee of 1833. Of that committee, Sir James Graham, now Secretary of State was the Chairman—

> "After the most full inquiry and the most careful consideration of the evidence, the committee are of opinion, that the stocks of home-grown wheat in the hands of the farmers and dealers at the time of harvest have gradually diminished; that the produce of Great Britain is, on the average of years, unequal to the consumption; that the increased supply from Ireland does not cover the deficiency; and that in the present state of agriculture, the United Kingdom, is, in years of ordinary production, partially dependent on the supply of wheat from foreign countries."

Such being the case, he must remind their Lordships that he only entreated them to consider how a foreign supply, admitted to be indispensable by all parties, could best be attained. It is vain to think of the possibility of making a great and prosperous nation independent of foreign supply. To talk of independence of foreign supply, was to reject civilization. The naked savage, while he remains a hunter in the woods—clothing himself with skins, and eating his food raw—may boast of his independence of the tailor, the butcher, and the cook; but, with civilization, such independence cannot co-exist, and those who talk of the expediency of making England independent of all foreign supply, must wish to see their country retrace its steps and return to barbarism. Mr. Gladstone disposed of that stupid fallacy in a triumphant manner. His words are as follows:—

> "We feel it is unworthy of the character and position of England to deny or stint the acknowledgment that we are dependent to a very considerable degree on the demand abroad for our commodities, in order to ensure the sustenance and comfort of our people. But the same considerations demonstrate, that the regions with which we trade stand in the same predicament. Both, as producers, are dpendent upon their consumers for the employment of their labour; both, as consumers, are dependent on their producers for the supply of their wants."

But this most fallacious argument is capable not only of being refuted but of being turned against their opponents. But he would maintain that the present Corn-law, instead of making the country independent, made it fatally dependent on foreigners. The sliding-scale, instead of inducing other countries to grow corn for the supply of England, discouraged such a course altogether as a general rule; but the time came when we did want a supply from them, and then we went to ask them to give us a portion out of their own poverty, when, if foreign governments felt themselves strong enough to do so, they might make us most painfully dependent on them. But no government could interfere to do so. In the height and magnitude of the power of Bonaparte, England, when she needed a supply, was able to obtain it from France. When Napoleon was at the zenith of his power, and attempted to withhold the supply which the British market required, an insurrection in France was the consequence. In short, the idea of making ourselves independent of foreign supply was mere trumpery, and the attempt to carry out the idea tended to take us exactly in an opposite direction from that which we intended to take. He recollected the first Canadian corn bill. It came up to their Lordships in 1827, and its progress was thus described in the House of Commons, by Mr. Frederick Robinson, then Chancellor of the Exchequer:

> "The Canada corn bill was surrounded by every principle of justice and sound policy, yet it was received at first in that House with the highest degree of alarm. It was opposed on the ground that, if passed, this country would be deluged with Canada wheat. When it reached the House of Lords, there terror took its stand. Those worthy persons, with many of whom he was nearly connected, got dreadfully alarmed. They had never heard of the like: they threw out the bill. But let the House recollect the result. In the first year an importatation of 70,000 to 80,000 qrs., in the second 30,000."

Such was the result of one experiment, from which the ruin of the agricultural interest had been predicted. Mr. Canning, in 1822, proposed what was called the grinding clause, and great alarm was occasioned by the proposal among the landed interest, so much so that Mr. Canning was unable to carry the clause. Our rash inovators of the present day had undertaken the grinding clause, and, more fortunate than Mr. Canning and Mr. Huskisson, had succeeded in prevailing on Parliament to adopt that clause. And what had been the result? Was there any Gentleman connected with agriculture who now felt any alarm as to the effects of the grinding clause? In the meantime, however, powerful interests had been created at Hamburgh, at Dantzic, and at Copenhagen, and those interests were able to maintain an active opposition against us, and the measure, however correct in principle, had been rendered comparatively worthless, in consequence of the opposing interests thus created by our own delay. He would ask them to compare the present condition of our foreign commerce with that in which it would now have been, if at the time of the treaty of Vienna we had negotiated reasonable treaties of commerce with other countries. With respect to many of these tariffs, he could not, however, think that they would be successful. They would fail as being selfish and impolitic. Manufactures created and supported by artificial protection were not likely to prosper permanently. They were more likely to waste capital, than to realize profits. These tariffs would also be counteracted, in many cases, as our own impolitic laws had been counteracted, by the smuggler. View for instance the extensive frontier of the United States, their sea coasts, their boundary line with Canada and Texas. Was it possible to believe that the import of British commodities could be prevented? Indeed, he derived too from these tariffs a further consolation. We may detect and condemn in them faults, which our self-love made us unwilling to recognise in our own imperfect laws. The exhibition of folly on the part of other nations might give us some self-knowledge. It is related of the late Mr. Canning, that finding himself exposed to that severe trial—a wet day in a country house—a trial which it required all his wit and brilliancy to overcome, for want of other amusement he took up a treatise on the protection of British wools, by the late Lord Sheffield, and with the help of a knife and a pen, wherever he found the word wool, repeated in the essay, he altered the letter W into F. The leading sentence thus amended, read as follows:—

> "We have no doubt that with due protection the production of British fools may be rendered sufficient for our national wants, so as to render the importation of foreign fools wholly unnecessary."

Now here he differed from the altered version of Lord Sheffield's tract. He was very favourable to the importation of foreign fools. They sometimes furnish the best means of enabling us to judge fairly of our own. The exhibition of folly and prejudice made in the tariffs of other countries, might teach us to blush for the prejudice and folly contained even in our most recent statutes. In trespassing so long upon their Lordships, he hoped he had not said one word—and if he had, he begged to apologise for having done so—but he believed he had not said one word calculated to place the question on party grounds. In the interest of the agriculturist, in the interest of the consumer, in the interest of the merchant, he would beg their Lordships to divest the trade of its gambling character, and not withhold the supply actually in the market at the moment when it was most wanted. He would beg them to make the trade one in which an honest and prudent man might engage. All he asked for, in short, was an opportunity of showing, by sufficient evidence, whether the principles he contended for were founded in error or in truth. The noble Lord concluded by moving,—

> "That a Select Committee be appointed to inquire into the operation and effect of the 5th of Victoria, c. 14, entitled 'An Act to Amend the Laws for the Importation of Corn.'"

Lord *Wharncliffe* gave the noble Lord credit for the candour which had characterised the Speech which he had delivered in support of his motion. He was quite ready to admit the truth of the greater part of what the noble Lord had stated with respect to the distress which prevailed in many parts of the country, but the question was whether an alteration of the Corn-laws, at the present moment, would relieve that distress. If he and his noble and right hon. Colleagues were satisfied that the evils under which the country was suffering were really owing to the measure passed last Session, they would have the manliness to come down to Parliament and call for its repeal. He must say, however, that all the arguments of the noble Lord and his friends had failed to convince him that the evils in question were imputable to the present system of Corn-laws. He was not one who thought that the present corn-law was perfect; but the question was whether it were not, in the balance of difficulties, the best, that under all the circumstances, could be devised. It could not be denied that the total and immediate repeal of the Corn-laws would have a most pernicious influence on the agricultural interest, and would reduce the farmer and the agricultural labourer to an infinitely worse condition than they were in at the present moment. The result would be that agricultural distress would be added to the existing manufacturing distress. Under these circumstances, it behoved their Lordships not to take any step which was calculated to induce a belief that they were about hastily to abolish a system under which the country had existed for a long time. He conceived that much of the distress to which the noble Lord had referred was owing to the gambling speculations which had taken place in corn, and in other commodities. On them was based a system of credit, and where they failed, they fell, and carried ruin to all around them. It was perfectly true, as the noble Lord had stated that the speculators in corn had suffered severly; but that was a circumstance naturally to be expected: because one of the objects contemplated by the law of last Session was to check the ruinous spirit of speculation he had referred to. The law it was clear, was not responsible for them, for long before that measure was introduced these gambling speculations were carried on. There were circumstances in the condition of this country which made the trade in corn a much greater question now than it formerly was. As the noble Lord said the population of the country had rapidly increased, and in consequence of that increase we were so far from being independent of foreign supply, that it had become necessary of late years to import considerably —in some years as much as between two or three millions of quarters. The question, then, was reduced simply to this—Does the sliding scale of duties, or a fixed duty, furnish the best means of obtaining the supply from abroad which was necessary to make up the deficiency in the amount of the home-grown corn? The great object was to admit foreign corn in such a manner as would be compatible with keeping up agriculture in this country. It was well known that under the system of protection agriculture had improved, and the quantity of corn produced had increased to a much greater extent than most persons had any idea of. It was frequently said that agriculture would benefit by competition, as some branches of manufacture, particularly silk, had done. There was, however, no analogy between agriculture and manufactures. Competition benefited manufactures in this way—that it caused the manufacturers to produce a good article instead of a bad one. What would be the case with respect to corn? True, more might be got out of the land by better cultivation; but that would be a work of time, and if the price should be reduced below the equivalent arising from the increased production, agriculture would never be able to sustain the competition. In manufactures, again, the power of machinery could be increased, and in six months an enormous augmentation of manufacturing produce would be obtained. The case was different as regarded agriculture. It was necessary to wait a considerable time before the results of improved modes of cultivation could be realized. The man who grew three quarters of corn would see many years pass before he could add another quarter to the amount of his produce. It would be most unwise to withdraw protection *quasi* protection from agriculture before the real effect of the existing law had been ascertained, and the appointment of a committee, as proposed by the noble Lord, would only shake the confidence of the public on the stability of the present law, and excite hopes and expectations which could never be realized. The noble Lord, by the way, was himself an advocate of a species of protection, for although the noble Lord proposed an 8*s*. duty for purposes of revenue that must necessarily increase the price and operate as a protection. The noble Lord indeed had not admitted that a fixed duty would afford any protection. But he argued that a fixed duty of 8*s*. would operate as a partial protection. Such being the fact, they ought to consider what would be the effect of that duty when corn had reached certain prices. In case of very high prices induced by a a bad harvest here and in other countries it would be impossible to maintain the principle of a fixed duty. This was admitted by the Members of the late Government, who proposed a fixed duty of 8*s*. ["No."] He understood that the late Government finally proposed that when the price of corn might reach a certain amount, the Queen in council should have the power of remitting the duty altogether. In the case of an universally good harvest, on the other hand, could any man believe that the price of corn in England would not under a fixed duty be beaten down and overwhelmed by foreign importation? For his own part, he was persuaded such would be the result. It was to avoid such inconveniences that the Government last year introduced the bill which was now the law. They saw that in certain cases the duties were provokingly—nay, uselessly high. They saw that a 20*s*. duty was at certain prices quite as efficient to exclude corn as a 37*s*. duty; and he was prepared to contend, that so far from the duties fixed by the bill having done no good, they had proved most beneficial in their past effects, and were calculated to operate still more beneficially in future. But it should be recollected that 1842 was by no means a fair year in which to test the operation of such a bill. Up to the end of April or the beginning of May there was nearly 1,000,000 quarters of wheat in bond. It was supposed that we should have a short and bad harvest, and a general impression to that effect remained unaltered until May, if not indeed up to a later period of the year. When it began to be discovered, or rather to be supposed, that we should have a better harvest, corn was brought to market in larger proportions than it was ever known to be brought to market at that particular period of almost any previous year. He held in his hand a return of the corn entered for home consumption in 1841 and 1842; and he found that, in May, June, July, and August, 1841 (the harvest being in September), the quantity of corn entered for home consumption was 316,081 quarters; in 1842 the quantity entered for home consumption in the months of April, May, June, and July (the harvest being in August), was 624,821 quarters, being nearly double the quantity of the preceding year. The harvest last year, was an early one; and, besides this, there was another circumstance, the result, be it observed, of the bill itself, which operated most powerfully on the averages. He alluded to the operations of those persons who were formerly accustomed to tamper with the sliding scale; but who, after this bill passed, speedily made the discovery that, from the addition to the number of towns at which the averages were taken, it was quite useless for them to attempt to put in practice such schemes as those they had previously carried out successfully. He himself had heard one of those parties say "Peel has done us:" meaning thereby, that the measure of last year had thrown so many difficulties in his way, that it was impossible for him now to put his plans into operation. It was worthy of observation, too, with regard to this bill, that the duty was last year never below 8*s.* instead of falling to 1*s.* as under the old law, and the great supply furnished in August last year came in at the duty of 8*s.* He thought this was a convincing proof that the new law prevented corn from being imported at those very low figures at which it was supposed that injury would ensue to the agriculturalists. Now with respect to the fluctuations. When their Lordships looked at the range of prices, he did not think they could come to the conclusion that prices had undergone under the new law very great fluctuations. The average price was very soon reduced from the very high rates of 1841 and the beginning of 1842, to 51*s.* or 52*s.*, and, having reached that point, it did not descend lower than 47*s.* 9*d.* during the whole year. Under these circumstances, and considering that the bill had only been in operation nine months, he did think it was somewhat early to call on their Lordships to decide so dogmatically against it as the noble Baron would have them decide. It was his firm belief, that if the measure were allowed to go on, not only would existing evils be lessened, but much steadier prices would be secured. At all times steadiness in the conduct of the Government of a country was essential to its interests, and more especially was it so when the great commercial and agricultural interests were implicated. [Lord *Monteagle*, hear.] The noble Lord meant to say that legislation on this subject had not been steady, he admitted that; but still it had not been so unsteady as the noble Lord proposed to make it. At all times and with reference to all corn bills the House had taken time to discover their faults and to provide for their amendment. He could see no reason why this bill should be excepted from the general rule, and, believing that the House would act most unwisely if they permitted a notion of the unsteadiness of the measure to go abroad, he should conclude by entreating them not to support any motion which, like that before them, would have so evil and injurious a tendency.

The Earl of *Clarendon* said, it would be unnecessary for him to trouble their Lordships with many observations, for much of what he might have intended to address to the House had been anticipated by his noble Friend (Lord Monteagle) in his most able, comprehensive, and, altogether unanswered speech. The noble Lord opposite, indeed, had not attempted to answer his noble Friend, the task would have been obviously hopeless, and it was no wonder the attempt was not made. He must, in the first place, express the satisfaction with which he had heard that his noble Friend (Lord Monteagle) had brought forward his important motion, with no object hostile to the Government, for in his (Earl of Clarendon's) opinion, that man would give little proof of comprehending the gravity of the circumstances in which the country was placed, who sought to discuss these questions in a spirit of party, or who was not prepared cordially to co-operate with the Government in any measure they might contemplate for the relief, or at all events the alleviation of the distress which had now become universal. The speech of the noble Lord opposite had, however, destroyed all hope of any such remedial measure, although he was at a loss to conceive with what object the distress of the country had been adverted to in her Majesty's Speech, if it were not to direct the attention of Parliament to its relief. He believed it was not in the power of language to exaggerate that distress, and it was most melancholy to think, that the various classes now labouring under its pressure had not yet reached the limit of the wretchedness they were destined to endure. The state of the revenue was a fearful indication of the condition of the labouring classes. Those who knew what constituted—first the luxuries, next the comforts, and then the necessaries, of the working classes, must be aware what a world of misery was indicated by any serious defalcation of the revenue. What availed it to admit the existence of distress and commend the resignation with which it was borne? The time for words had passed. Of what use was it to tell a starving man, surrounded with starving children, that before six months passed, his condition would be bettered? What he wanted was the means of assuaging his present sufferings. If the present state of things were one of those crises to which manufacturing countries must occasionally be exposed, the noble Lord might be justified in saying that the worst was over, and that better times were at hand; but it had now lasted for years—it had gradually increased—it was progressively increasing still—and it was rapidly approaching that point, beyond which human endurance must find its limit, and which will shake our social fabric to its foundation. He was aware that this distress had been attributed to a vast variety of causes over the greater part of which, however, Parliament would exercise no control, such as the bankruptcy of the United States—the rapid increase of population—over production—over speculation—the too great extent of machinery, and many others, all of them doubtless more or less affecting the circumstances of the country, but none of them coming within the reach of legislation; were they on that account, however, to sit still and do nothing? Could they, in times like these, when more employment for our people and fresh markets for their industry were imperatively demanded by our necessities, so indifferent to our restrictive commercial code, at the head of which for cruelty and injustice prominently stand the Corn-laws. Would they turn a deaf ear to the cry of distress at their doors, and vote that night as the noble Lord called upon them to do, that nothing could be added to their stock of knowledge, and that inquiry was but a useless waste of their time? What had the House to do? This was the beginning of the Session, and they had not yet entered on that scramble of legislation which had been so often reprobated by his noble and learned Friend on the Woolsack, and which would take place a few months hence, when they should have to pass the bills sent up to them from the other House. What were their Lordships in that House for? They were there in the exercise of their hereditary rights it was true; but which rights would be valueless when they ceased to be respected, and they would cease to be respected when their possessors renounced the power of doing good? What, he would repeat, were their Lordships there for; if they were not prepared to devote their energies to the consideration of questions vitally important to their fellow subjects. The noble Lord opposite said, that if the House should enter into the proposed inquiry, they would shake confidence and raise hopes and expectations which could not be realised. That was the old and stale argument against inquiry, and, in the present instance, was singularly inapplicable. Did the Government suppose they had not raised expectations by recommending her Majesty to announce that she was aware of the distress of her subjects; and did the noble Lord think that the people would not be disappointed at finding that not only were no remedial measures proposed, but that an inquiry into one of the causes to which most persons attributed the distress was peremptorily refused? Let their Lordships but grant this inquiry, and they would excite only hopes of their justice and expectations of their unselfishness; and for his part, he could conceive nothing that would be more becomingly occupy their time—nothing that would be more gratefully viewed by the people—nothing that would be more creditable to the House of Lords, than for their Lordships honestly and without fear for the result, to investigate the operation of a law in which individually and collectively they were believed to be interested. The Corn-law was the key-stone of our whole commercial policy: place that on a sure basis, and every necessary reform would follow as an inevitable corollary. Then would the distress of the country be brought within the grasp of legislation, and England by establishing a sound system of commercial policy, would compel other countries to follow her example. He agreed with his noble Friend, that up to the present time, we had certainly acted an unwise part with regard to our commercial negotiations, and that if, at the Congress of Vienna, we had better understood our real interests, and taken our stand on a different ground, other countries would have followed our example, and a free system of trade would now have prevailed, to the general benefit of all the nations of the world. But it was not yet, he hoped, too late to adopt a wiser course. Foreign governments might tell us to expect nothing from them, and that they could not alter their policy; but if we produced cheaply what other countries wanted in exchange for the productions they had to offer, and that that exchange was prevented by their own restrictive systems, there would soon be manifestations of discontent, which the governments of those countries would not dare to disregard. The complaints of the wine growers of Bourdeaux were already beginning to alarm the French government. The same thing was going on at Oporto. The noble Lord the Secretary of State for Foreign Affairs recently stated, that he hoped to conclude the commercial treaty with Portugal that had been so long pending, but if he did, the noble Lord well knew he would be indebted for it, not to the Government, but exclusivel to the clamour which the landed interest in that country had raised against the Portuguese commercial system. In Spain, too, the same thing was taking place; the government of that country had admitted that their commercial system—the absurdest, perhaps, in the whole world—had succeeded in effecting only two things, namely, the ruin of the revenue and the demoralization of the people. In Russia the landed proprietors were universally complaining of their prohibitory tariff. The Zollverein was producing general discontent in the eastern agricultural provinces of Prussia. The tariff of the United States of America, which had been framed for financial objects only, could not be maintained; and there was another country in which nothing was wanting but a greater degree of pressure properly applied to cause the restrictive system to be abolished, and that was our own. Oh, but then it was said, we shall get no advantages by adopting a more liberal system; other nations will not take our productions, and we shall be compelled to pay for them in gold and silver—the fallacy however, of gold and silver not being as good as any other commodities for the purposes of exchange was now too generally exploded to be deserving of notice—we must have obtained gold and silver somehow—Mexico and Peru did not make us a present of them—an equivalent must have been taken in exchange, and that equivalent must have given employment to capital and industry. He could state of his own knowledge, that the persons who were the principal upholders of monopoly in foreign countries dreaded nothing so much as to see the principles of free trade fairly carried out by us. The amount of exports must always depend upon the amount of imports, for our merchants could not send domestic products abroad unless they were permitted to bring foreign products back in exchange. In dealing with questions of this nature it was only necessary to act upon the doctrines of common sense—as he rejoiced to find the right hon. Baronet the Secretary for the Home Department had called the principles of free trade—and we should benefit, not only ourselves but other nations—we should advance the cause of civilization and human happiness, and be constantly adding to international securities for the preservation of peace. Looking at the subject in this point of view, and not into the narrow and selfish object of keeping up rents, or raising the profits of manufacturers, he declared it was in his opinion the greatest and most important question that could engage the attention of the Legislature. He accordingly thought his noble Friend had done most wisely in confining his proposed inquiry to the Corn-laws, knowing, as his noble Friend well did, that until they were placed on a sound and permanent basis every other interest would remain stagnant and unthriving. And could his noble Friend have given to his motion a more modest or unexceptionable form? An inquiry into the operation of the law! Why if the noble Lord was sincere in his belief, that the law was working beneficially, this was just the motion which, if the Government did not originate themselves, they should be grateful to his noble Friend for bringing forward. The noble Lord probably spoke from the information he had received from his noble Friend the President of the Board of Trade, the cause of whose absence that night he sincerely regretted, and that information was doubtless derived from those various sources to which he had access. He must, of course, during the last eight months, have been in communication with landholders and farmers, bankers, merchants, corn-factors, and custom-house officers, and the most intelligent too, of these various and conflicting classes. Now, if this were so, and he supposed it was, because it ought to be the case, let all these witnesses be summoned before the committee, and he saw no reason why every member of it should not be brought to the same conclusion. Let him convince the noble Baron now sitting opposite (Lord Ashburton) in the same way; for he feared, from that noble Lord having gone over to the other side, that his mind was not yet made up on the question. [Lord Ashburton had a few minutes before moved from the Opposition to the Ministerial Benches.] His noble Friend near him (Lord Monteagle), who had long been connected with the finances of the country, though he had not been President of the Board of Trade—whose long official experience made him a most competent judge of the operation of any law affecting the material interests of the community, and whose industry in collecting facts, and great ability in reasoning clearly upon them, he was sure their Lordships must that night all have admired—his noble Friend, thus qualified to state an opinion, declared inquiry to be necessary. The noble President of the Council, taking his opinions as those of the Government, was of a contrary opinion. Could there be a better mode of arbitrating between them, and ascertaining on which side lay the truth, than by the appointment of a committee such as could be selected in that House, and whose verdict should be entitled to the confidence of the country? This would be a straightforward, manly way for the Government to act, and a way in which, if they thought themselves justified in upholding the law, they ought to act, when thousands of our fellow-subjects believed that the evils they were suffering under were attributable to this measure alone, and when it should be the duty of the Government to make plain to them, that they were in error, and that to other remedies, they must look for relief. For his own part, he could only say, that if the noble Lord (Lord Wharncliffe) granted the committee, and convinced him that the Corn-law was a beneficial law, he would abandon all his previous opinions, and publicly do penance for them in that House. But if the noble Lord shrunk from this inquiry, he would do more to damage the law, and to impair public confidence in its durability, than anything that happened even during a late debate in another place, which was full of most important admissions. He spoke from memory; but he saw reported of the right hon. Gentleman, the Vice-President of the Board of Trade, of whose distinguished abilities he meant to speak with all respect, that there was no abstract principle involved in the Corn-law; that it was regulated by the same principles as those which applied to cattle, or any other commodity; that our exports depended on our imports; that the law must be temporary; and that of all classes connected with the land, the least affected by a change would be the landlords. He saw, also, that the right hon. Secretary for the Home Department said the doctrines of free-trade were those of common sense, and that without commercial prosperity, our landed interest must decay. And, lastly, that the right hon. Baronet at the head of the Government was reported to have said, that protection could not be defended as the permanent system of this country. There was, then, no material difference between the Government and its opponents. Why, then, not carry out the admitted principle to its legitimate results? That the difficulty of dealing with protected interests were great, he admitted: but were they likely to diminish? On the contrary, would not their tendency be to increase? for parties always wax strong as Governments grow weak, and this Government, like every other, must expect to see its power decline, indeed, it had done so already. The longer necessary reforms were delayed, the greater will be the difficulty of carrying them out, and the greater the danger of their arriving too late—of arriving too late, also, in more ways than one—for the time may come when the excited passions of the people, and the threatened institutions of the country, may exact from them that which prudence and foresight should have prompted them to grant. It was far from his intention to use or encourage the use of the language of intimidation, which it was not his habit to indulge in, and which he knew would not be tolerated in that House; but he thought it a most pernicious system not to precede and guide public opinion, not to minister to admitted necessities, but to wait, as in the case of Catholic Emancipation, until impending civil war compelled them to grant not only all that had before been strenuously refused, but more even than had been asked. He thought it a most pernicious system, as in the case of Parliamentary Reform, to reject every improvement, to refuse the abatement of acknowledged nuisances, and to goad the people into saying we will, to those who declare you shall not. Let their Lordships look to the present state of this question as compared with that in former years, when it was but little understood; it had now grown in public importance, and was now the topic of every public meeting connected with the industry of the country. It had been said, that facts and arguments took a long time to soak in this country; but when once they were imbibed, they sprung up in convictions and produced results that could not with safety be disregarded. What if the harvest of last year had been like that of 1839? What if the winter had been severe, instead of the extraordinarily mild season we had just experienced? Noble Lords would have had reason to take a very different view of the effects of the law. But the noble Lord had said, that there had not been time enough to test the law; that would be true if it had contained any new principle, if it were likely to settle anything, if it prevented speculations and fluctuations, or if it were such a law as to enable the people to take it as the basis of future and permanent arrangements; but it did not. And how could it, when they were told upon the highest authority, that it possessed no abstract excellence, and that its existence would not be guaranteed for a single year, and that the answer to all inquirers must be considered as a temporary one—why, what dreadful trifling was this with the most important interests of the country! He did not ask whether it were wise, or straightforward, or statesmanlike to pursue such a course, but he did ask whether it could be for the interest of those whom this wavering conduct was intended to serve? Could any temporary increase of rents compensate for the depressing uncertainty of the present system? He asked their Lordships whether the evils of the present system did not prevent good tenants from taking land? [*Cries of* "No, no."] He asked whether the state of the law did not prevent that application of capital to improvements which the present state of agriculture rendered more than ever necessary? Surely then it was better to know at once, that which in another year or two we must inevitably come to. At all events those connected with the land had a right to inquire of the Government why the law is a temporary one, and if the Government cannot tell them, they have a right to know what was that pecular operation of the law and state of the country which would justify further change? For his own part, he thought the present operation of the law and the state of the country not only justified, but demanded further change; and, until he was convinced by somewhat stronger arguments than he had yet heard, he should consider the sliding-scale as one of the greatest evils which could be inflicted on a country, and the protection of the farmers from the importation of foreign corn, one of the most fertile sources of those vicissitudes to which they were exposed. And here he was disposed to ask, why that class of producers, which was protected more than any other, and that at the expense of their fellow producers, and in violation of every sound commercial principle, had been, on their own showing, more often and more grievously distressed than any other in the community. The Corn-law was based on the absurd assumption, that it was in the power of Parliament to secure a fixity of price. He wished to know whether corn had ever maintained, or indeed, hardly ever reached the price on which the farmer had been told he might calculate, and according to which, his arrangements were made? The noble Lord said the fluctuations were not very great. But within three months after this last experiment in legislation was made, the price of corn fell from 62*s.* 6*d.*, to 51*s.* 7*d.*, and it was now at 48*s.* 7*d.*; that was 15 per cent below the 56*s.*, upon which the farmer was assured he might reckon as a remunerating price, but not more, for his capital and labour. He would not follow his noble Friend through the details which he had so comprehensively laid before their Lordships; he hoped their Lordships would bear well in mind the proofs of the absurdity and mischief of the present law that had been adduced by his noble Friend. His noble Friend had shewn that the sliding-scale rendered the farmer most obnoxious to competition when he was least able to bear it; and that more corn than was wanted was frequently brought in under it. Indeed there were now 500,000 quarters of duty-paid corn still in warehouse, waiting for a market and depressing the price of British corn. His noble Friend had stated the enormous losses suffered by the corn-importers under the present law. The ruin he knew of these individuals was often heard with indifference, or even with satisfaction. They were likened to men who had suffered from gambling. Now, he looked on those importers as great public benefactors. Without their speculations, the country would constantly be exposed to the horrors of famine prices and the dissolution of social order; but it was the law which prevented this most important of all trades from being placed on the same sound principles as those which regulated other commodities; it was the law which prevented prudent men from embarking their capital in it, it was the law which compelled others to speculate and gamble—it was the law—it was the protection with which the landowners had surrounded themselves, that rendered the importers of corn from abroad the curse and the terror of those who produced it at home. He was far from seeking popularity by the avowal of the sentiments which he had addressed to their Lordships. The little property he possessed he derived exclusively from land, and he spoke therefore as one deeply and personally interested in agricultural prosperity; but at the same time, feeling as certain as he could of anything that had not occurred, that the agricultural interest was about to enter on that crisis which now pressed on the manufacturing, he thought it their duty, by every means they could devise, to drag labour into employment, and to enable manufacturers and artisans to become consumers of agricultural produce. The only means to effect this was by giving a general impulse to our export trade, which, by the capital and labour employed in it, necessarily affected the agricultural interest. We have a redundant population, the land cannot maintain more than it already does, and the excess must therefore look to manufacturers and commerce for support, and unless 150,000 pair of fresh hands could be employed every year in trade and manufactures, they must seek relief from the poor-rates, which fell heavier on the landowners than on any other class. It was yet in the power of the Government to give relief. Last year they had it in their power to carry the largest and most beneficial measures of reform, and the right hon. Baronet at the head of the Government ably demonstrated what they should be. He declared it was the bounden duty of the Government and the Legislature to remove pressure from off the springs of industry, to render the necessaries of life more accessible to the labouring classes, and above all to enable the people to sell in the dearest, and buy in the cheapest market. Had the right hon. Baronet fulfilled any of those conditions? Had he performed his promise of rendering the Income-tax imperceptible by the reduced expences of living? Had our foreign commerce been extended or the wages of labour increased? The state of the revenue afforded melancholy proof of how ill the right hon. Baronet had adopted the means he possessed to the end which he professed to have in view. The Parliament had been assembled six weeks, and this was the first time the portion of the Queen's Speech relating to distress was considered. God forbid that he should despair of the rallying power of the country, or think that the capital, and courage, and industry, and skill of our people should be destined to prove unequal to the difficulties by which we were encompassed; but if our downward progress was to be arrested it could only be by the Government and the Legislature boldly facing the difficulties we had to encounter. No one could deny the critical position in which we were placed; no one could deny that apprehension every where existed; that men's minds were unsettled; that all existing arrangements had been interfered with but not adjusted, and that what had been done could only lead to further changes. Amongst various classes, various opinions of course obtained, but all whatever be their class, were agreed that there ought to be no more bit by bit legislation, that the torture of uncertainty should be put an end to, and that laws affecting the most vital interests of the community should be rendered permanent by being made just. He thought, that the Government, whose duty it was to collect facts, and ascertain the true state of public opinion would admit that this was no exaggerated picture of the feeling which existed upon matters far too momentous to be dragged into the arena of miserable party strife, for if ever there were questions which could be called national, and upon which men of every shade of political difference might cordially unite for the common good it was, those which involved not the prosperity, not the well-being only, but the very existence of the labouring classes. And here he was, that if the Government now used the power they still possessed (unquestionably less though it was than last year), they would secure the support, and earn for themselves the gratitude of every well-wisher of his country. It was because he thought that the appointment of this committee would be the precursor of a sounder policy, and an earnest of better measures that he should cheerfully support the motion of his noble Friend.

Lord *Ashburton* was quite sensible that no party was so sure to be heard with satisfaction as those who complained of distress, when it unquestionably existed in the country. It was quite natural that men should be heard in such a state of things to say, "Take our nostrum, it is sure to put an end to all your difficulties." Such professions, however, should be listened to with some distrust, particularly when they emanated from those who were not responsible for public measures. It was undoubtedly true, that the distress was great; it was admitted by all, and it had been of considerable duration. If he were to give an opinion, he should say it was not increasing, but rather subsiding—things had a tendency to come round and settle, rather than to produce an aggravation of existing evils. That was his impression, though he confessed he spoke on that point with little more authority than any of their Lordships. Undoubtedly, if their Lordships should be persuaded by the arguments of the noble Lord who had opened the debate on this subject with so much ability and good temper and calm reasoning, and believe in the statement of the noble Earl who had just sat down, that any thing their Lordships could do would alleviate the existing distress, it was their duty to do it; and if they were convinced, with the noble Lord who had opened the debate, that the distress arose from the want of a fixed duty on corn; or if they agreed with the noble Earl who had just sat down, that the whole system of protection was a nuisance, and the cause of the existing distress, he was quite sure that their Lordships would at once seriously consider this important question. He had listened with very great attention to the extensive details of the noble Lord (Lord Monteagle), but had come to a very contrary conclusion from them. Instead of taking the first remedy that was suggested, because distress existed, they ought to be well convinced that the remedy proposed was suited to the occasion, and, more particularly, that it was not one which would aggravate the distress. In his view the manufacturing distress was simply occasioned by the failure of the American market, and by that only. The noble Lord who had opened the discussion had stated, that there had been a great falling off in woollens, and cottens, and different articles of manufacture. It was perfectly well known that the American market had failed to the extent of 5,000,000*l.* in the course of last year, and that was quite sufficient to account for the distress which prevailed in our manufacturing districts. The same distress was prevalent in America; ships were rotting in their docks, and fortunes were reduced one-half, and all those symptoms of distress which were visible in this country, were to be seen there, with this difference, that in America there were not those large masses of population collected together which made the distress so painful as it appeared in this country. But the question which their Lordships had now to determine was, had they heard from either of the two noble Lords who had addressed them any arguments to show that the distress arose from the state of the Corn-laws; more particularly had they heard that it arose from any difference in the system of protection between a sliding-scale and a fixed duty? Had any one argument been offered to their Lordships which tended to prove that fact? If there had, and the argument was satisfactory, he then admitted, that there was sufficient ground on which to appoint a select committee to look into the question. He warned their Lordships from being led away by their ordinary Parliamentary tactics in Parliamentary discussions, by appeals them such as "who could object to inquiry?" He should say, on the contrary, that if no proof had been shown that the existing distress was to be altered by any alteration in the Corn-laws their Lordships must see that they ran the risk of adding the distress of the agricultural labourers to that which existed amongst the manufacturers by recommending any such alteration. When a few years ago the farmers petitioned their Lordships for an inquiry into the causes of their distress, it was perfectly true, that at that time an inquiry was made, but it had resulted in the conviction of the House, that nothing could be done for them, and that the crisis should be left to take its own course. The noble Lord opposite cheered the fact of a committee having been appointed on that occasion. He had sat upon the committee, and was perfectly convinced at the time, that the remedies proposed were hopeless and useless, and there being in fact no remedy things were left to right themselves, as they would if they did not impose measures which, under the appearance of being remedies, were, in fact, constant impediments to a return to a better state. The noble Lord had dwelt very much upon the sliding-scale—upon its defects and consequences, but had left their Lordships entirely in the dark, whether he was one of those who concurred with the late Administration in their view of the 8*s.* duty as the proper duty to be imposed for the regulation of the corn trade, or whether he was a convert to the principle of no protection which the noble Earl seemed to consider to be proper. He did not deny, that the whole question of the Corn-laws was one upon the discussion of which men might very well differ, and upon which honest opinions might vary; he could not deny that, when he saw opposite to him noble Lords, from whom some thirty years ago he had had the misfortune to differ exactly in the opposite sense in which he now did. When, in 1815, propositions had been made to raise the protective duty, he had objected to any such increase of the protection; and he certainly had objected to any retaxation of the protection in the discussion of the law last year. With respect to what was called finality on this question, nothing could be more absurd than to say that the law on this question never should be altered, or should never alter with the varying circumstances of the time. He at least should be always ready to listen to suggestions from men in or out of Parliament as to the operation of such laws. He did not at all quarrel with those who held even extreme opinions on this subject, provided they were honest. But at the same time that he believed that no sensible person could come to the conclusion as to the precise degree of protection that should be invariably upheld, he was sure that nothing was more dangerous than a constant fluctuation from year to year in the measures of Government, the consequence of which must be that individuals must be left in doubt as to the manner in which they could safely apply their industry and capital. There should be no change but from a grave necessity, and he did not think either of the noble Lords who had spoken had established such a ground for fresh legislation. The noble Lord who introduced the motion left it in doubt whether he meant to uphold a fixed duty, or whether he agreed with the noble Earl (the Earl of Clarendon) that all restrictions should be abolished. The whole tenor of his noble Friend's speech went to abstain from touching on the point as to whether he held an opinion favourable to the fixed duty scheme or that of total repeal, But taking one view of the case or the other, what proof, he would ask, had his noble Friend given that the existing distress could with propriety be attributed to the operation of the present Corn-laws? In the first place a Corn-law was no novelty among them; they had had Corn-laws in various shapes since 1670, laws which had raised the price of corn more than did the present. And under these laws manufacturing prosperity had grown up; in fact they had existed in different forms as long as the country had been a manufacturing one. Yet, out of doors it was the fashion to talk of the law, as having been imposed in 1828, or in 1815, while, in point of fact, every alteration made since the former period had been an alteration of relaxation in the tightness of the system. It would, also, be supposed, from other arguments which it was the fashion to use upon the subject, that this country alone maintained a Corn-law, while Corn-laws in reality existed in different shapes in every part of Europe, and also, he believed, in the United States of America. In the latter country, a duty of twenty-five per cent. was levied upon the importation of corn. Some countries had their Corn-laws in the shape of sliding scales, others in the shape of fixed duties, but in some shape or other the principle was recognised in almost every civilised country in the world. He did not mean to say that that was at all a conclusive argument why we should keep up our own Corn-laws, but it was a reason why the burthen of proving them evil should lie with those who called for their repeal. What benefit would accrue to manufactures from the abolition of the Corn-laws? Nobody would say that, since last year, the price of food had been such as to be very pressing. Manufacturing depression did not arise from that. On the contrary, the prices of food had not been more moderate for years than they now were. He believed that the present price was about 48*s*. But if they took the years from 1655 to the end of that century, they would find the average price not less than 44*s*. And during the next fifty years it had amounted to about 52*s*. per quarter. He mentioned these facts for the purpose of showing that at present there existed no prices so high that the prevailing distress could be attributed to them. Further, let them look into the working of these laws. They were told of derangements of the currency arising from them; but since the alteration of the law they had received 1,200,000*l*. revenue from the corn laws, and instead of the circulation at present showing any symptoms of distress, the bank abounded in the precious metals—the circulation was perfect and abundant, and although nearly six millions had been paid for corn, sending the money out of the country, had produced no injurious effect. There were no outward and visible signs of anything in the condition of the country, which could induce their Lordships to believe that the late alterations in the Corn-laws had produced the present state of distress, or that it had in any degree prevented a return to commercial prosperity. He would not follow the noble Lord who had opened the debate into all the details into which he had entered, but he did feel that many of that noble Lords arguments were most fallacious. They could not complain of the present price of food. There had been no extensive fluctuations in prices. Considering that corn was an article most liable to fluctuation in price, it had been remarkable how steady its price had lately been. They had continued the system of protection in a moderate degree to the home growers, and at the same time allowing, at certain prices and under certain regulations, foreign corn to come in. He repeated again it was remarkable how well the system had produced steadiness of price. If they looked at the figures, they would see that in no country in the world had the price of food for the last few years been more steady than in Great Britain. They might, indeed, be told, of the prices of corn at Dantzic and other parts, but let them look at the prices of rye, the principal food of the people of those countries, and they would find infinitely more fluctuation there than there was here. With respect to foreign markets, every one admitted, that if British manufactured articles were allowed to enter at all, that they would undersell all competitors. We had sent iron to form the railway from St. Petersburgh to Moscow, though Russia produced iron in abundance. But we could not make laws for other countries or prevent them from making laws to protect their own manufactures. If their Lordships would consider the circumstances of many continental nations, enjoying a lengthened peace, they would admit that it was natural that manufactures should grow up in them, especially when protected by their own laws. He did not say that in these cases these protecting laws were wise ones; he wished that they had not existed, but still they had had the effect of fostering the manufactures of the countries in which they were enacted. Notwithstanding all the restrictions of foreign countries, had we not, he would ask a fair share in the manufactures and trade of the world? In the article of cotton this little island of Britain took nearly, if not completely, the half of the whole amount grown. Surely they had no reason to complain that they had not a fair share of manufactures. But he did not believe that foreign countries would be induced, by an alteration in our Corn-laws, to make exceptions in their restrictive codes in favour of our manufactures in return. He knew so well what was passing with respect to this subject in foreign countries, that he was assured that such would not be the case; and that, although they were to make a sacrifice to the total derangement of the commercial code and the destruction of the Corn-laws, by so doing they would not advance commercial and manufacturing prosperity. When they came to this beautiful free-trade what did they find? Why, the Norwegians could carry coals from Newcastle to the Thames cheaper than British vessels, merely because they lived cheaper. They had heard much ridicule of the notions of independence of foreigners, but they saw how other nations sometimes behaved to them. They saw how the French gave bounties to their fishermen, and how their large fishing-boats were in the habit of driving away our own fishing-vessels on the coast of Scotland during the herring fishery. This was contrary, no doubt, to every principle of fairness—to every principle of political economy; but the commerce of this country was a system which could not be fairly put upon perfect principles of political economy. If they quarrelled with the Emperor of China, they might do without tea; but they could never do without bread. The people must be fed; that must be the first consideration. Noble Lords proposed to accomplish it by means of free-trade. He denied that that was the way. In the first place there was a difficulty arising from political circumstances; and though they had heard something about riots in France because corn was not allowed to be exported, he could tell them of insurrections which had occurred because corn-merchants wished to ship corn for this country. An insurrection of this sort had taken place on the Loire, and from the very circumstance that corn had been prevented from being shipped, whether by despotic command, or irregular popular interference, it became a grave question whether, as respected that article of all others which they could do least without, they should be dependent upon foreigners. If his noble Friend had any doubt of the quantity grown in this country, let him read the pamphlet of that acute-minded man, Mr. Huskisson, upon foreign supplies, written in the year 1815, in support of the bill of that year. The question of independant supply must rest very much upon a question of degree. If they consumed 12,000,000 quarters and grew only 8,000,000 or 10,000,000 they might look to other parts of the world for the other 4,000,000 or 2,000,000. But if they lowered their agriculture, which no one doubted a material sacrifice of the Corn-laws would do, and made still greater the bloated mass of manufacturing prosperity —a prosperity which he believed to be essentially false—supposing they did do all this, they would remain in a state of miserable dependence, and expose themselves to insults and calamities of every kind. His views had been adverse to an extraordinary degree of protection, but favourable to that moderate extent which would give fair encouragement to the agriculturists, and repay them for the particular charges made upon them. That peculiar burthens lay upon the land, no candid man would deny. No man would deny that they were considerable, and required consideration. By protection was not meant taking money from one class to enrich another; it was a compensation for peculiar charges which, from certain circumstances, were best left upon the land. The noble Lord opposite had stated that this was a question to be considered divested of party feeling; but he really thought it was a question with respect to a sliding-scale on which one Government slid in and another slid out of office. Their Lordships had heard no arguments to show that the present law had worked ill. He was sure that if they were induced by mere hackneyed arguments to enter into a consideration of the causes of the existing distress, that the only result would be to aggravate that distress which they all so deeply deplored, to aggravate it not only by drawing the agriculturist into its sphere, but by still further injuring the manufacturers themselves.

The Duke of *Richmond* would not have addressed their Lordships had it not been for a statement of the noble Lord opposite, to the effect that Earl Grey's cabinet had been a divided one on the subject of the Corn-laws. The noble Earl had said, that the first Lord of the Admiralty had voted one way upon the subject, and that the Vice-President of the Board of Trade had voted another. Now, he had nothing to do with the Vice-President of the Board of Trade, who was not a Member of the Cabinet, but he said that Earl Grey's cabinet were united upon the subject, that Earl Grey, in the name of the Cabinet, recommended the noble Lord, now absent (the Earl of Ripon), to get up and resist a motion for inquiry into the Corn-laws made by his noble Friend opposite. He was anxious to relieve himself from the supposition that he had staid for one moment in a Cabinet which could entertain notions of changing the Corn-laws every day, or of acceding to motions such as the one now before their Lordships' House. He certainly, for one, deeply deplored the distress of the manufacturing districts. He deplored it not only from the individual cases of misery which it gave rise to, but because he had been one of those who had always felt it to be impossible to sever the great interests of the country without doing injury to them all. He had no sympathy with the Anti Corn-law League, who tried to set these interests in hostile array against each other—the men who did so were no friends to this country. But he had confidence in the uprightness, the integrity, and the intelligence of the agriculturists, and also on the respectable portion of the manufacturing and commercial classes, and he believed that those gentlemen who sought to lead them astray would meet with the reward that demagogues usually received, and would be despised by every true Englishman. He was delighted to have heard it said by the noble Lord who spoke second that when manufacturing distress existed, agricultural distress existed too. He was delighted to hear him admit that that distress threw manufacturing operatives upon the poor-rates, and that the poor-rates were defrayed by the landed interest. The fact that the landed interest was so much pressed by public and local taxation was one of the reasons why the agriculturist did not use so much machinery as the manufacturer. If he used a thrashing machine, for instance, its operation threw people out of employment, who directly became chargeable to himself as inmates of the workhouse. This, he said, was one of the reasons why the farmers of England could not compete with farmers abroad. He himself had had a property abroad, for which he did not pay one fourth of the taxation to which it would have been liable at home. There was one sentiment uttered by a noble Friend of his, which he was surprised to have heard him make use of. He had said that he recommended the House to alter the corn duties, because, they might depend upon it, that agitation would go on until these laws were repealed. Now, it was very extraordinary that such a sentiment should come from his noble Friend. If he recollected right, the noble Lord was no friend or advocate for the repeal of the union. But had there been a subject on which a greater degree of agitation had taken place—and was he on that ground prepared to vote for the repeal of the union? No! Neither was he prepared to vote for any reduction in the extent of protection to be given to the British agriculturist. He agreed with the noble Lord who had just sat down, and he thought that those Gentlemen who had tried to force unduly the export of manufactnres had been grasping the shadow and losing the substance; for by reducing the value of farm produce, they had prevented the farmer from purchasing one half of the amount of manufactured goods which he had formerly been able to buy. He thought that there never could have been an act more unbecoming of a public man than if the Government of the country had come forward this year: and, indeed, if they entertained even now—unless circumstances should become very much altered—any intention of proposing any further change in the Corn-laws. The country had been told by a great authority in the other House of Parliament, that he believed that alteration in these laws had been necessary for the consumer; but that it would not be hurtful to the producer. He had said there that he thought the probable average price of corn under the new system would be 56*s.*; but since the alteration the price he believed, had never risen to that amount. Well, then, would it not be an act of the greatest injustice to the agriculturists, after they had most nobly agreed to give way, and refrained from agitating the country upon the subject of the late changes—after they had professed themselves willing to see whether they could not give away a little of that protection which was their due—would it not be most unfair and unjust if, after all this, Government were to advance and propose to make still greater changes in these laws? He was delighted to have heard that there had been no intention on the part of Government to make any further changes. He took it that his noble Friend did not say what might or might not happen with respect to the Corn-laws during the next twenty years if he was in office so long; but he had said that he thought they had worked well, and he had admitted that the English farmer was entitled in justice, equity, and policy to some degree of protection.

Earl *Fitzwilliam* thought, that it was unnecessary for his noble Friend to assure the House that he would not have been a friend to Earl Grey's Cabinet if they ever entertained any intention of repealing the Corn-laws. His well-known character, opinions, and honourable feelings would have been sufficient to disprove such an imputation, even if he had not made the speech to which he had just given utterance. Now his noble Friend had derived satisfaction from the assurances of the noble Lord the President of the Council, that it was not the intention of the Government, of which he was a Member, to interfere with the Corn-laws; but his noble Friend had omitted to supply that to which the noble Lord had limited his assurance. That noble Lord had stated that it was not "at this moment" the intention of Government to make any such change. He did not think "at this moment" that any such change would be necessary.

Lord *Wharncliffe*: What I said was, that I could not consent to the appointment of the committee asked for so quickly after the late enactment had become the law of the land. I said I thought that it had not as yet been allowed time for a fair experiment, but if at any future time I should be convinced that an inquiry into the effect of these laws was necessary, that then I should have no objection to its institution.

Earl *Fitzwilliam* continued: Well, an experiment had been made. It was found necessary to alter the Corn-laws as they lately existed; and he wished to know what great difference there was in principle between the law which now existed, and the law which Ministers had condemned by repealing? He admitted that a slight improvement had been effected. The law, as it at present stood, embraced the principle of the sliding-scale, with certain rests, which rests were made valuable as affording an intimation of the opinion of Government, that they were in truth desirous of having foreign corn introduced under settled rules—that was to say, of adopting in a certain degree the principle of a fixed duty, rather than that of a sliding-scale. Unless such was the object of the introduction of the rests, he confessed he could not see why they were introduced at all. But his noble Friend opposite had stated, that if he were convinced that any good could arise from the appointment of the committee moved for, he would be the last man to oppose it. Now, for his own part, he confessed, that if there was a committee of twelve noble Lords to examine the witnesses which it would be necessary to call before them, he was inclined to believe—he spoke for himself—that he should acquire a great deal of information from such a committee which he was not able to obtain in other ways; and, therefore, if that information would be valuable for the purpose of enlightening their minds, he thought good would arise from the appointment of a committee which would produce that information. The noble Lord opposite (Lord Ashburton) had said, that proposing a committee was one of those hackneyed modes of appealing to Parliament which it was known that persons who wished to make a motion without specific purpose generally had recourse to, and he warned their Lordships against being captivated by the noble Lord's proposal. Now, the warning of his noble Friend against this proposal was quite as hackneyed a warning as the proposal itself, and, therefore, he did not think that their Lordships would pay more attention to the warning of the noble Lord opposite, than that noble Lord thought ought to be paid to the proposal. The noble Lord had said that he had no nostrum for curing the distress of the country, implying thereby, that his noble Friend (Lord Monteagle) had a nostrum for that purpose. Now, if the noble Lord had no nostrum for curing the distress which unhappily was so prevalent, he at least had one to account for it; because the noble Lord said that the whole of our commercial and manufacturing depression was caused by the loss of the American markets. He very much agreed with the noble Lord that the loss of those markets was one of the great evils which they had to contend with. It was to him extraordinary, that when the noble Lord attached so much importance to the American market, he would not vote for an inquiry as to how that market might be affected by the maintenance of the Corn-law. He was sure the noble Lord could not have forgotten the despatch of Mr. Addington, in which it was stated that the unfavourable character of the American tariff was to be ascribed to the Corn-law. That remarkable despatch he was convinced could not have escaped the memory of the noble Lord, who was so well able to call to mind so many other passages. He thought that the House had some little reason to complain that the noble Lord endeavoured to lead them to the belief, that the distress that prevailed was one only affecting the manufacturing and commercial interests of the country; at the same time, he would say, that it was a considerable satisfaction to find that the noble Lord on the present occasion, was not advancing that doctrine which he had put forward on other occasions, namely, that the distress which was felt in the country, was merely the effect of fluctuations in their commerce. He thought that the noble Lord would abandon that position, and be obliged to acknowledge, if he did not state it in so many words, but indeed his speech was a complete acknowledgement of it — that these were not mere fluctuations, but that a gradual and permanent decline was perceived in the interests of British commerce. The question then was, how had that arisen? If the Corn-law had the effect, which it was stated to have had, by a predecessor of the noble Lord, in producing the American tariff, was it not also possible that the continuance of the Corn-law had led to the more unfavourable character of the recent American tariff, as well as in the tariffs of other countries? The noble Lord had said, truly enough, that if they repealed their Corn-law, foreign countries might not alter their tariffs; but then were their Lordships quite sure, that if they persevered in their exclusive system, that the tariffs of other countries might not be made more severe against England. That was the point which they had to consider. Foreign countries might not be inclined to retrace their steps in consequence of this country altering its system. Foreign countries were beginning to allege of this country when it showed a disposition to relax its commercial code, that it did so from no liberality of feeling towards foreign nations. They were beginning to ascribe even the late alteration in the tariff not to any increased liberality of feeling in this country, but to the apprehension of increasing distress and suffering. It was on that account that any alteration in these Corn-laws now, would not lead to an alteration in other tariffs; at the same time, if this country persevered in its exclusive system, the tariffs of other countries might become more severe. But then it had been said, that if they made any considerable alteration in the protection that they gave to British agriculture, that an inroad would be made on it, and that the land would not be cultivated so extensively as it was at present. This was the opinion of many noble Lords; but were not the same apprehensions entertained in 1815, when that Corn-law came into operation, and had not agriculture been able to meet it successfully. There could be no doubt about it; and the same arguments were then used which were now employed. He might, too, be allowed to ask, whether the anticipations were not as fearful, when the temporary alteration was made in 1822 or 1823, and he asked whether that alteration had done any great mischief to British agriculture? He might ask too, whether the alteration in 1828 had effected any greater injury to British agriculture? Was not agriculture as successfully carried on from 1822 to 1842, as between 1815 and 1828? There could be no doubt of it. Everybody recollected, that it was. There were on all occasions, the same foolish and the same groundless apprehensions. From the law of 1828 great evils were anticipated, but that no effect in driving land out of cultivation was felt. Thus it was with the law of last year. He wished to know would any one say—but, above all, would her Majesty's Ministers say, that the law of last year had operated injuriously to British agriculture? He wished, that on this occasion his noble Friend (the Earl of Ripon) were present. His noble Friend was President of the Board of Trade—he wished that he were present, for he was sure that his noble Friend would not acknowledge that British agriculture had suffered in consequence of that law. He anticipated no injury from an alteration in the Corn-law. He was supported by experience in affirming that such injurious consequences would not be felt from a further alteration of it, and he was sure his noble Friend felt with him, that in a few years circumstances would call for its alteration. His noble Friend was too well acquainted with the circumstances of the country not to perceive that the change was inevitable. He was sure his noble Friend knew that circumstances must change, and that this law must be changed with them. For four or five years he had anticipated the change in the last law, and changed it was; and as to this law, he also said that changed the law would be; and as to agriculture, the change then would be as innocuous to it as all former changes had been. The truth was, that the British farmer derived very little advantage from the law. His noble Friend (the Duke of Richmond) had said at the conclusion of his speech, which, like every thing he uttered, came from his heart, "Do not withdraw protection from the British farmer;" and this he said when he saw what had happened that the present law had pretended to hold out to him one price, when it only gave him another. Was not, and ought not, he asked, that to be a useful lesson to him. [The Duke of *Richmond:* Yes; never to make another change.] Yes; until they come to a law, in which there could be no further change; and to that he said they must come. When he had been accused and calumniated as an enemy of the British farmer, because he had said, that they must come at last to that state of circumstances when they should have done with their wretched system of protection, he recollected what had occurred at the time, for which he was more sorry than for any other act of his political life, when he supported the law of 1815. He remembered, that then the farmer was promised a protection of 80*s.* he had got but 40*s.*; that the law of 1828 told him he should have a price of 62*s.*, and yet it went down to 39*s.*; and by the very last act of Parliament the Prime Minister assured them they should have 56*s.*, and his noble Friend (the Duke of Richmond) complained, that it had tumbled down to 46*s.* Ought not, then, his noble Friend and the House to see that they ought to have done with this wretched system of legislation—that they were attempting to establish an artificial price for food, which was beyond the power of man? The true system was that to which they ought to adhere, it was that which had been so justly described by the Prime Minister, when he said, that the advantages derived by agriculture from protection, were not for one moment to be compared with that which it received from the thriving state of the commerce and manufactures of this country. That was the true source of agricultural prosperity, and it was to that they were to look. Agriculture would not flourish if the commercial property were fluctuating—agriculture must decline if manufactures were distressed. It was by sustaining both, and not unnecessarily interfering with either, that they could secure and perpetuate the true interest of their country.

Lord *Brougham* felt himself, however reluctantly, compelled to present himself to their Lordships after the various proposals he had made upon this subject—unfortunately with no varying success—and a fate not likely, he feared, to be varied on the present occasion. He could not avoid remarking that never had a question affecting such vital interests, and exciting out of doors such violent animosities, been brought forward in Parliament with more ability, and—at a time, too, when those animosities out of doors were strongest—with more entire absence from party feeling; nor could there be a greater contrast than on this occasion had been afforded between the manner in which this question had been treated out of doors by those who affected to be the leaders of the people, but whom the people did not think it becoming to follow, and the manner in which it had been discussed by their Lordships. "Justice requires me to note (continued the noble and learned Lord)—justice to those whose cause is injured instead of being served by the arts of which I complain, because those arts do but obscure the truth and obstruct its progress,—justice, I say, requires me to observe on the arts that have been used by certain parties to the perversion and the obstruction of truth. A considerable step was taken by the Government—approved of by some, condemned by others—towards the introduction practically of what we deem the sound, wholesome, requisite doctrines of free trade. Well, how was this received by the zealots who assumed to "lead the people?" Did they thank the right hon. Baronet for converting an eight-and-twenty shilling duty into an amended sliding-scale? an alteration insufficient, I admit—lamenting its smallness, but yet highly approving of and rejoicing in—nay, I will add, exulting in it, as a step towards the full development of principles I have ever maintained—a step in the right direction—nay, when the still further step of the Tariff was taken, which some years ago would have been deemed not a step but a stride from the exclusive to the liberal system — the zealots of free-trade who assume to lead "the cause"—who affect to be leaders of "the people," but whom the people will not follow, being much too rational and sensible — what say these blind guides — blind through factious passions? What is their reception of those measures? The object of their fiercest attacks is the very statesman who made those steps, and who found himself in this extraordinary predicament—that the zealots of monopoly on the one hand, and of free-trade on the other, equally attempted to run him down. And another class, my lords—the really factious men—the true partisans—those who are only actuated by party zeal—who have no honest zeal for free-trade at all,—I supposed the former to have at least the excuse of blindness arising from the excess of honest zeal, which obscures and misleads; but the men I am now saying a word about have no such excuse. Animated purely by personal and party rancour, they were more enraged, more impatient, more intolerant towards the right hon. Gentleman at the head of the Government, when he "took a leaf out of their book" (as they called it), than they were with the most determined of their agricultural opponents. They actually appeared to complain of the steps taken towards free-trade. "Take a leaf out of our book! Why, it's flat plagiarism, it's theft, it's piracy! What right have you to these principles? What right have you to talk of free-trade? Talk of 'selling in the dearest markets and buying in the cheapest!' Why, that's ours. You have no right to any such doctrines—you must not use our principles;" and thus, my Lords, I heard last Session greater praise bestowed by those persons (not in words and sentences perhaps, so much as in action and in clamour) upon the men who opposed all change than upon the statesman who was occupied in working out some of their own favourite doctrines; not here, not within these walls was this attempted, or it would have been demolished in the twinkling of an eye; but out of doors, the constant cry—the burthen of the song in every factious, every party speech, and in every party print, was "Government is doing the very thing their predecessors (in vain) attempted!"—spurning thus the objects of which they had formerly been so much enamoured—longing for the very things they had cast away—boiling over with impatience at seeing their own opinions adopted! their own principles worked out! their own measures executed! changing all this through very caprice, pulling down because others had built up; building up because they had pulled down; making their whole lives one scene of inconsistency, self-repugnance, contrariety, and contradiction to the course of all ordinary rules of conduct and all the received order of life,—but most of all, inconsistent with, and repugnant to themselves! But a very different course (the noble Lord continued) had been pursued in their Lordships' House on this occasion. His Friend, the noble Baron who had brought forward this subject, had been satisfied with making the progress, and urging the extension of his own principles, in promoting which he (Lord Brougham) went even further than his noble Friend; not being content to allow of the continuance of any corn duties at all; considering they formed a tax of the worst description, the evils of which he had often pointed out, and which, at so late an hour, he certainly should not at present further allude to. But, now, to meet the objections of his noble Friends, the noble Barons (Wharncliffe and Ashburton); he must, in the first place, observe that if the merits and success of this sliding-scale were so palpable, it was strange that there should be so much reluctance to exhibit them in an inquiry. Certainly, it was no bad test in trying the merits of a controversy—that of readiness for or reluctance to investigation. The language of one party was "We are right, and challenge you to prove us wrong;" that of the other was, "We are right, and care not to give you the opportunity of proving us wrong." Sir Walter Raleigh said that, when you saw two men wrangling, and did not know the merits of their dispute, you might very safely pronounce him to be in the wrong who first lost his temper. So when opinions are very confidently urged by conflicting debaters and assertions made of fact on either side, depend upon it he is sure to be in the right who courts inquiry. His noble Friends the President of the Council and the late Minister to Washington objected to the appointment of the committee, because it could lead to no result. How did they know that? The object of inquiry was to find a result, and until they had inquired it was impossible to know whether any would be found or not. The painful distress which was now so prevalent throughout the country appeared to him to dispose of the question. But as his feelings had been harassed and deeply pained in preparing himself for the motion he brought forward last Session upon that distress, and as he had then harrowed the feelings of their Lordship, he would not then go further into that most afflicting subject. He would merely call their attention to one fact, but it was one of an alarming nature. They had heard it stated that the deficit in the revenue was 3,000,000*l.* Supposing it were so, the fact was appalling enough; but it sank into utter insignificance when compared with that inevitable consequence, which did not at first seize on the attention upon hearing the statement made—what was the per centage of that deficit in the returns from the Customs and Excise? Take it at 5 per cent. as an average. Then, the 3,000,000*l.* deficit indicated neither more nor less than a deficit or falling-off in the expenditure and consumption of the poorer classes of this country of 60,000,000*l.* sterling in one year; or take it at 10 per cent., and still there was a falling-off in that expenditure upon comforts, nay, upon necessaries, for customable and exciseable articles had now became necessaries, to the enormous amount of 30,000,000*l.* a-year. He would not enter into the question of the Corn-law being quite satisfied to rest upon the statement of his noble Friend behind him (Lord Monteagle), but he must be permitted to say a word upon a subject which he had broached on the first night of the Session. He deemed it his duty now to renew a subject on which he had formerly said he should take the liberty of making some remarks connected with, or growing out of, the agitation for the repeal of the Corn-laws, when a recent trial should be disposed of. He had then thought it his duty to state that he had never accused a respectable member of the league, he had never accused the league as a body, of the atrocious statement and wanton crime, of which he had made a very general and very vague mention on the former occasion. When his noble Friend behind him (Lord Radnor) had misunderstood what he had said, his noble Friend, he was sure, would do him the justice to remember that he at once got up and stated that he never meant to have charged those offences on the league. But he had been astonished to find that since he had taken that course, since he had made that disclaimer, since then he had never been able to discover that his example had been followed by the league itself. He had searched for an acknowledgment for a disclaimer out of doors, which he, in charity had made in that place. On the contrary, he found that he had been himself the object, and so had others, of the most rancorous abuse, and by far the greatest falsehoods, in point of statement, that he ever yet remembered to have seen (and that was a large assertion to make, and a wide comparison to offer) on any former question by any party in this country. And, in order to show how much confidence was to be placed in those men, he meant those out of doors—those fierce and factious men, and the body of agents whom they employed, and upon whom the money which they levied was expended—he had now to state to their Lordships, what had occurred, which he was bound to do in his own vindication, because the greatest and grossest breach of privilege had been committed with respect to the statement that he had made. He thought that he had already stated that it was most reluctantly he had made the motion which he had brought forward in the month of last July. All his friends were aware that it was with heartfelt reluctance he had lent himself to the motion on the distresses of the country. He had seen a deputation of nine gentlemen, including in that nine one hon. Gentleman who was known to him—it was presided over by a very respectable Gentleman, Mr. Stansfield, of Leeds. They had attended twice in that place, and brought him a letter of introduction from another friend. He went out. He interrupted a cause, that was then being heard, for an hour; but he refused to bring on a motion such as he was requested to make. He told the deputation that he declined it, because he felt that it would be useless, and that it could lead to no good. It was pressed upon him to bring forward the motion, on account of the distress prevailing amongst his former constituents in Yorkshire, as well as in Lancashire. All he agreed to was, upon the earnest entreaty of the delegates, to reconsider his resolution; not to make his refusal final. He saw them again, and he told them he could not make up his mind to do as they desired; but he said that if they would apply to his noble Friend behind him, or to the noble Marquess, (Clanricarde) or the noble Earl who sat near him, and that if either of them would forward a motion he would support it. They then prevailed upon him to present a petition, and he then said, on being again pressed, that if on presenting the petition, which he said he would present, that if on presenting their petition, he found any encourangement in the temper of the House, it was possible he might give notice of a motion. These were the facts, and they had taken place within the walls of that House. He thought it right to make this statement, which he did with great reluctance, because he had seen in a newspaper, the professed organ of the Anti-Corn-law League, and called the Anti-bread-tax Circular, a statement relative to this transaction, which was false and unfounded, and he hoped all other statements contained in it, were not of the same character. He used the terms false and unfounded advisedly, and for the purpose of avoiding a shorter and more vulgar expression, more applicable to the thing, but which respect for his audience prevented him from uttering. But he hoped all the statements in that paper were not as false as this:—"that it was astonished when it found him speak of his reluctance because he had pressed his services upon the league! that he had volunteered the bringing forward of the motion! and that he did this, when they would have preferred the motion being made by another." Now, if anything so opposite to the truth had ever before been uttered or printed, he had yet to learn where, when and by whom. A grosser breach of the privileges of that House had never been committed, than to say that a Peer of Parliament had told an audacious untruth. He had made his assertion in presence of their Lordships and of the nine delegates. It might be said that it was only assertion against assertion, and that proof must be given as to which of the two assertions was the correct one. But, was it likely that nine men, forming a deputation, would come down to that House to see a Peer for the purpose of asking him not to make a motion? What was meant by his pressing his services—by his volunteering to make the motion—by his insisting on taking the matter into his own hands? Had he any necessity to ask the League for leave to make a motion? Why, he did not even ask such leave of their Lordships. Every Peer of Parliament had a right, when it so pleased him, to make a motion in that House. So here was a falsehood of so gross a description, that if any one looked at it only for one moment, he could not fail of seeing that it bore internal evidence of being untrue. The funds so liberally subscribed by his noble Friends near him, and by the public out of doors, to the League, were used in circulating the paper containing these falsehoods: for they sent six or seven copies of it to him, that he might not fail to know how shamefully he had been aspersed, how audaciously the plain truth had been violated. The untruth had been circulated all over the country, had been commented upon in all the country papers, and in all the meetings of the supporters of the League. A more foul and daring untruth never was coined by the spirit of party, and anonymously promulgated by persons who were afraid, in their own proper names, to utter so atrocious a falsehood. He had written to Mr. Stansfield, the respectable chairman of the great meeting of the League, and he had in his pocket the copy of the letter which he had sent to that gentleman, containing a statement precisely similar to that which he had now made to their Lordships, and he had received a reply from Mr. Stansfield, assuring him, in the most distinct and emphatic terms, that his (Lord Brougham's) account of what had taken place, was perfectly accurate. This assurance he had instantly received from Mr. Stansfield, who was the chairman of the late great meeting for the repeal in London, and by far the most respectable man amongst them all. When he said this, he did not intend by any manner of means to deny the respectability of others of the deputation that had waited upon him. Very much the reverse. He acquitted them of this falsehood. They were not the authors of it; but the paper which they supported and maintained, their *Anti Bread-tax Circular,* as they called it, was at once the author and the disseminator of it. He had desired that paper to be searched for the last four weeks, and to this day it had contained no explanation or contradiction of the falsehood to which it had given birth and currency. However, as he had already stated, he had received Mr. Stansfield's assurance of the correctness of his account of what had taken place, and so there was an end to the falsehood altogether. But no doubt it would be repeated, and others added to it. They lived in an atmosphere of these falsehoods. They lived in that kind of atmosphere which long habit did not render more easily respirable, but against the effect of which long habit certainly case-hardened those who were found to breathe its hateful fumes. He had before said that he disclaimed for the respectable Members of the League all fellowship in the foul assassination speeches of a clergyman in Yorkshire. There was no distinction of party amongst these men. They objected just as much to his noble Friend near him (Lord Monteagle) and to Lord John Russell as they did to Sir Robert Peel, and the gentleman, as he was called by the Yorkshire clergyman, the gentleman who talked of drawing lots for committing murder would just as readily (if the lot had fallen upon him) had put an end to his noble Friend near him (Lord Monteagle) as he would to the right hon. Baronet at the head of the Queen's councils, because those people abhorred a fixed duty as much as they did a sliding-scale. Therefore, they were perfectly impartial; but was it not a most marvellous thing that no pains were taken by the respectable Members of the League to sever themselves from such unclean pollution as that to which he had adverted, and which revolted and disgusted the feelings of all mankind. They had abundant opportunity of doing so, and how had they availed themselves of it? He had heard with utter astonishment that at a meeting of the League, consisting of 1,500 persons recently held at the Crown and Anchor, and presided over by the respectable person to whose letter he had alluded, the only disclaimer that was made—at least the only one that had reached him through the information of a gentleman who was present, and upon whose statement he could entirely rely—was in a speech full of ribaldry and jest, turning the thing into a subject of humour—talking of assassination as a matter of merriment and joke, and endeavouring to run down his right hon. Friend the Prime Minister, with taunts and jeers as absurd and invidious, as the charges made against him were futile and flimsy. The demeanour of the right hon. Baronet had been made the subject of jest and jeers, as if he had shown a want of nerve and want of firmness, from having his feelings excited by the tragedy of which he had been the intended victim. Gracious God! did any man—did anything breathe in the form of man—with the feelings of human nature—with a heart throbbing in his bosom—who would think the worse of the right hon. Baronet for having felt most deeply, most painfully, most acutely, a sentiment of horror and dismay at the dreadful accident (as he must now call it, after the verdict of the jury) by which a friend, and a public servant in employment under him—a man whom he esteemed and loved—had lost his life by being mistaken for the right hon. Baronet himself. He hoped to God that he himself should never speak otherwise than the right hon. Baronet had done if he knew that any dear friend of his had lost his life by having been mistaken by the murderer for himself, because he should feel incapable of severing himself from some sort of share in the accident. He should be unable to dismiss from his mind the notion that he had been the occasion, though the innocent occasion of the catastrophe which followed. That was the origin of Sir Robert Peel's feeling upon the subject; and that man must have a mind callous to all feeling, or a mind utterly perverted by personal or factious fury, who could doubt for one instant what the origin of that feeling was, or who would refuse to say that such feelings did honour to the bosom in which they arose. He would now very shortly trouble their Lordships with a few words by way of comment upon the only argument which appeared to him to have been employed by his noble Friends on the Ministerial side of the house, in opposition to the main point of the question introduced by his noble Friend near him. His noble Friend opposite (Lord Ashburton) had said that there was a great difference between the commerce in grain and the commerce in any other consumable articles, because grain is a necessary of life, and all other articles are merely luxuries, the use of which might be dispensed with. Therefore, said his noble Friend, "We must not allow ourselves to be dependent upon other countries for a supply of grain, although we may afford to do so in respect of other articles." He was at issue with his noble Friend upon that point, and if their Lordships would consent to the appointment of a committee to inquire into the whole matter, he pledged himself to satisfy his noble Friend from facts, from returns, from the records of the Custom-house in this country, and from the information derived from our foreign Ministers during the last thirty or forty years, that there never was a greater delusion than to suppose that any particular state of affairs could obstruct, much less cut off, or even temporarily impede, the fulness of foreign supply. As this was the most plausible argument used against the proposition for a free-trade in corn, he intreated their Lordships to bear with him for a few moments whilst he put an end, as he thought for ever, to that plausible but hollow argument. For this purpose he must pray their Lordships to cast their looks backwards, and to ask themselves whether there ever was a period in the history of this country in which the shutting all the ports on the continent, and the preventing all issue of grain to this country was ever so near possibility as it was during the late war with Buonaparte? In other wars we were at peace with Prussia, if we crossed the sword with France, or we had Austria for our ally if France was our enemy, or we had Russia with us if we had Spain and the Turk against us—and in other wars the powers and resources of the hostile countries themselves had infinitely less force—infinitely less stringent efficacy to shut their ports against us, than we unfortunately found that the great Emperor possessed. He begged their Lordships to look back to the years 1809-10 and 11. When were we ever again likely to see such a state of things as existed in those years, when all Europe was leagued against us under the iron sceptre of the Emperor—when the whole coast—the iron-bound coast of Europe—was under his entire, and absolute, and despotic control—when his armies were counted by hundreds of thousands, and his naval force by myriads—when the greater powers of Europe had become petty principalities, trembling at his nod, eagerly watching his beck, and moving as his finger pointed—when such was the organization of his force—when so perfect was all its structure when so prevailing was the central influence of its immense, gigantic military power, that from the centre of Paris, he could issue his orders into the east, west, north, and south, and, it might almost be truly said, without a figure of speech, that every pulsation of the great heart which resided in the capital of France was felt and made to quiver the remotest fibre of the vast European frame. That was the awful, the unparalleled state of things under Napoleon in the years 1809, 1810, and 1811. Were the ports of Europe shut against us? Did no foreign grain then find its way into this country? Did the gigantic force of the Emperor succeed in cutting off our supply at the time when we most wanted it, and when he was most eager to stop us from having it? Why, the fact was undeniable; and it for ever put an end to this part ofthe question—for ever broke down and destroyed this only remnant of plausible argument against free-trade. The fact was undeniable and notorious, that during those three years a greater importation of grain took place from Europe to this country than had ever been known at any one preceding period in the history of this country. The authority upon which he made this statement was the speech of his noble Friend himself (Lord Ashburton) delivered in the year 1815, when the question of the Corn-laws was under the consideration of the House of Commons. He heartily agreed with those who had no fears about the dependence of this country upon other countries for a supply of grain. He had no respect for the argument which insisted upon the necessity of each nation making itself, as far as possible, independent of all others. Good Heavens! a nation independent of all others? As if the very bond of national existence was not of necessity, and must not ever of necessity, be mutual dependance of one nation upon another, as if the bond of human existence is not the necessary dependency of man upon his fellow-man! As long as one country produced grain, and another wine—as long as one country produced timber, another spice, and another iron, they who had these things must supply them to those who wanted them.

> "Hic segetes, illic veniunt felicius uvæ,
> "Arborei fœtus alibi, atque injussa virescunt
> "Gramina; Nonne vides croceos ut Tmolus odores,
> "India mittit ebur, molles sua thura Sabæi,
> "At Chalybes nudi ferrum."

So it always was, so it ever must be, so it ever had been since the waters of the deluge retired, and left the earth which they had made their prey, a prey to the labour of man, that labour, stimulated by mutual wants, and partial abundance, on which all the plenty of the world depends.

> "Continuò has leges, æternaque fœdera certis
> "Imposuit natura locis, quo tempore primum
> "Deucalion vacuum lapides jactavit in orbem."

Such was the eternal and irrevocable decree of Providence, recorded in the great book of nature, a decree to which all must yield obedience, and which will for ever mock the impotent attempts of human folly. These were his principles — they were the principles of men who had been much misunderstood and still more misrepresented—they were the principles of the advocates of free-trade. They did not say that no article of importation should ever be made the subject of duty; but they said, that revenue and trade, were two separate and distinct matters; that it was lawful to levy revenue upon articles of importation, but that it was unlawful to levy revenue for the purposes of protection. These were the principles of the advocates of free-trade; and, standing by those principles, he maintained that they were fixed upon a rock which could not be removed or shaken; and endeavouring upon the present occasion to work them out in some small degree, he should give his hearty support to the motion of his noble Friend.

Viscount *St. Vincent* wished to make an observation with respect to that part of the noble and learned Lord's speech, in which he had spoken of the coast of Europe as having been sealed against this country during the dominion of Napoleon. With permission, he must be allowed to correct the noble Lord upon that point, since there never was a period when the emperor maintained a naval supremacy. There was one other observation that he wished to offer. It appeared to him that what was called a duty of protection and a duty for revenue was little more than a distinction of terms, and that if corn alone were exempted from the payment of that duty (by whatever name it was called), it would operate in future as a bonus to every other object of trading or manufacturing industry in preference to growing corn, the produce of agricultural industry, and, consequently, would so far operate to withdraw capital from the land and transfer it to trade and manufactures. One other word, and he would trespass no further on their Lordships' patience. "A burnt child dreads the fire." He had heard a great deal about the advantage of free labour in the West Indies, as well as about the advantage of free trade in corn. Whatever advantages (and he would not dispute them) might have accrued to the labouring population in the West Indies, there was scarcely a proprietor in those islands who had not been brought into a state of distress and beggary. He mentioned this as a caution to the agricultural interests in this country, and he warned them to take care how they yielded to abstract ciples, however plausible they might be, upon the subject of free-trade.

Earl *Mountcashel* spoke amidst general cries of "Question." His Lordship was understood to admit the distress of the manufacturing classes; but, at the same time, to contend, that the agricultural classes, by the concessions already made, were reduced to a state of equal suffering.

Lord *Monteagle*, in reply, adverted to the manner in which the noble Lord opposite (Lord Ashburton) had spoken of the manufacturing classes. When the noble Lord referred to them as a bloated mass of population.

Lord *Ashburton* interposing, said, that he had not so described or so spoken of the manufacturing classes. The argument that he had advanced was this: that if it were possible (which it was not) to raise a bloated mass of population without the means of supporting it, it would be one of the most distressing positions that a country could be placed in. When the noble Lord stated that he (Lord Ashburton) had spoken generally of the manufacturing population as a bloated mass, the noble Lord entirely misrepresented what had fallen from him.

Lord *Monteagle*: I regret, my Lords, that you are about to decide against a proposition which you must surely have deemed to be moderate and reasonable. Inquiries, like that which I have proposed, have frequently been granted, in other times, greatly to the advancement of the public good, and to the contentment of various classes of her Majesty's subjects. I shall not do more than allude to Lord Wallace's Committee on Foreign Trade; to the Inquiry into the Silk Trade; to the Committee on our trade with the East Indies. On all these, legislative measures of improvement have been founded. Before I sit down, I must call your Lordship's attention to the following sentence from the Report on the Hand-loom Weavers, which appears to me deserving of the utmost attention from those who undertake the responsibility of deciding against me. The words are as follows:—

> "The Government of this country resides in a minority—and a narrow minority of the people—the owners of land. A very small portion of the community constitutes, almost exclusively, one House of Parliament, and forms a very large majority of the other. Such a Government can be safe only so long as it is popular, and popular only while it is believed to be impartial. Its first prudential duty is to avoid the appearance of selfish legislation. We are aware that many of those who support

the Corn-laws, believe that to alter them would be injurious to the whole community, and though dissenting from that opinion, we respect its sincerity. But we feel that no such respect is felt by the manufacturing population, who, from their concentration, their union, their numbers, and the rate of their increase, are now the most powerful of the labouring classes, and are becoming more so every day. They find the direct effect of that law is to raise the price of food, and the indirect effect is to lower wages, and they refuse to listen to any reasoning that would prove that such legislation is impartial."

These were the opinions of no ordinary men, but of individuals entitled to every respect and deference from your Lordships and the public. The report bore the names of Mr. S. Jones Loyd and Mr. Senior, men of the highest abilities and the highest character. And what may not lessen Mr. Jones Loyd's authority in the eyes of your Lordships, is that he is not only a great capitalist and a sound philosopher, but a great landed proprietor, and one whose management of his estates, and whose transactions with his tenants render him, as I am informed, a model for imitation to all country gentlemen. Thanking your Lordships for the patience and attention with which you have favoured me, I conclude by the motion of which I have given notice.

Their Lordships divided.

Contents—Present 31; Proxies 47:—78.—Not-contents—Present 82; Proxies 118:—200.—Majority 122.

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Lovelace
Radnor
Rosebery
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VISCOUNTS.
Ponsonby, of Imo
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Melbourne.
BISHOPS.
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Paired off.

NOT-CONTENTS.	CONTENTS.
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Earl Charleville	Marq. of Normanby
Earl Howe	Lord Crewe
Bishop of Winchester	Bishop of Norwich
Lord Churchill	Lord de Mauley
Lord Delamere	Lord Bateman
Lord Forester	Lord Portman
Lord Fitzgerald	Lord Brougham
Lord de Lisle.	Earl of Erroll.

Lordships adjourned.

The following Protest was entered against the decision:—

DISSENTIENT—

"First, Because it appears to us inexpedient to reject a motion of inquiry into the effect and operation of an act which has not realized the declared intentions of its framers and of the Legislature, by diminishing fluctuation of prices, and securing the supply of imported grain in a manner consistent with the public interests.

"Secondly, Because the evils admitted to be incidental to the Act of the 9th Geo. 4th, which it was proposed to remove in the last Session, are proved by experience still to subsist, and may, therefore, be traced to the principle of the sliding-scale, so unfortunately transferred to the 5th and 6th Vic., c. 14, from the antecedent Corn-law.

"Thirdly, Because it has been proved, by the experience of the last twenty-eight years, that a scale of duties varying inversely with the price of corn, acts injuriously to the interests of the consumer, the British agriculturist, the merchant, the manufacturer, the banker, and the foreign grower: injuriously to the consumer, as inducing the owner of foreign corn to withhold his supplies from the market, whatever may be the public necessity, till the price shall have reached its maximum, and the duty its minimum; injuriously to the agriculturists, and more especially to the smaller farmers, as exposing them to a forced and unnatural competition with foreign grain entered for home consumption at the time of harvest, the period when such competition may be fatal to the British growers without being beneficial to the public; injuriously to the importing merchant, by rendering the trade in corn a gambling adventure, rather than a commercial enterprise, the sliding-scale augmenting the profits of a successful speculation, and aggravating the loss of a speculation which is unsuccessful; injuriously to the manufacturer, because a casual, restricted, and uncertain import of foreign grain cannot lead to a steady and permanent demand for repayment in the produce of British industry; injuriously to the banker, as producing violent derangements in the foreign exchanges, and sudden and dangerous exportations of the precious metals; injuriously to the foreign grower, because, without the creation of a settled market, large supplies are frequently required from abroad, leading to fluctuations of price on the continent of Europe, consequent upon the fluctuations of price, the effect of impolitic laws at home, and in all cases rendering the reward of industry, precarious and uncertain.

"Fourthly, Because a sliding scale of duty cannot be defended, either on the principle of a countervailing duty for the protection of an interest, subject to special or peculiar burthens, from which other classes are exempted; nor yet on the ground of a duty raised for revenue purposes, for supplying the exigencies of the State in a manner the least burthensome and the most impartial.

"Fifthly, Because the refusal of all inquiry into the effect and operation of a law perfectly anomalous in its enactments, and inconsistent with the principles of commercial freedom, and at variance with other measures which the Legislature has of late years sanctioned, leads either to the continuance of an indefensible system, or to legislation, hasty and ill-considered by which, as in the act of last Session, the evil admitted to exist is sanctioned and continued.

"Sixthly, Because it is to be feared that, so long as a system of Corn-laws exists, which is founded on principles practically discarded, and abandoned in our commercial and our fiscal legislations, there cannot be any such feelings of confidence and stability as shall promote fixed contracts between landlords and tenants, essential to the best interests of both these important classes.

"Seventhly, Because, whilst no attempt is made to defend the principle of a sliding scale of duty, and yet all inquiry is refused into the alleged evils which it occasions, suspicions and jealousies cannot fail to augment between the agricultural and commercial parts of the population, to the grievous injury of both, and to the serious detriment of all her Majesty's subjects.

(Signed) "MONTEAGLE OF BRANDON."

The following Peers afterwards affixed their names to the said protest:—

"CHARLEMONT,
SUDELEY,
CAMPBELL
LANSDOWNE,
DUNCANNON,

"CLARENDON,
COTTENHAM,
KENMARE,
AUCKLAND,
ROSEBERY."

HOUSE OF COMMONS,

Tuesday, March 14, 1843.

MINUTES.] BILLS. *Public.*—1°. Coast of Africa.

2°. Mutiny; Marine Mutiny.

Private.—1°. Birmingham and Gloucester Railway; Leighton Bussard Inclosure; United General Gas light, Company; Milne Free Shool.

2°. St. Pancras Churches; Bourn Drainage.

Reported.—Newcastle and Darlington Junction Railway. Littleton Enclosure

3°. and passed:—Cambrian Iron and Spelter Compauny

PETITIONS PRESENTED. By Mr. S. Crawford, from Callan, for altering the Law relative to Landlord and Tenant.—By Sir William Clay, from St. Leonard's (Shoreditch), against the Income-tax.—By Mr. Denison, from Dorking for the Repeal of the Malt-tax.—By Mr. Darby, from Lewes, against the Parochial Assesment Act.—From the same, and from Beverly, against the Ecclesiastical Courts' Bill.—From Dublin, against the Municipal Corporations (Ireland) Act, and for altering the Law regarding the Local taxation of Dublin City.

LAND ALLOTMENTS TO THE POOR.] Mr. *Stanton*, in rising to move a resolution on the subject of setting apart portions of the common lands, when inclosed, to be let out in allotments to the labouring population, observed that the subject had already been so favourably entertained by the House, that he did not consider it necessary to occupy any great portion of their time in recommending his motion in substitution for the present standing order, No. 89, upon the same subject. It must be the wish of every one to afford the means of employment to the increasing working population of this country. The system of inclosing common lands, without apportioning a part of them not merely for the exercise and recreation of the poor, but for the profitable employment of the labouring population, was one which he had long regretted. Nothing was more desirable than to furnish the half-employed labourer with a resource of healthful occupation, by which he would be enabled to bear up against the calamities that otherwise pressed upon him. For this reason he very much wished to assign to the parish-officers certain portions of the land, not for the purpose of giving it to the poor, but of letting it out to them in allotments. It was far from his wish to interfere in any way with vested rights, but he was fully convinced that the improved condition of the people, which must follow the adoption of the system he now suggested, would amply repay the land-owners for any sacrifice of property they might make on their behalf. He wished the Government of the country would pass some general measure for inclosing land, at the same time enabling the officers of the parish in which the land was situate to set apart certain portions of it to the purposes he had mentioned, without the necessity and expense of an act of Parliament. It would be the means of very considerably reducing the poor-rates. In the borough he had the honour to represent there were 800 acres of land unenclosed, and left in a state that produced no advantage whatever to the landed proprietor. If this were enclosed upon the plan he suggested, the poor-rates, instead of being 10*s*. an acre, would not be more than 5*s*. The appeal he now made to the House was on behalf of the working classes of the country, whose privations at this moment were admitted by all parties. It was from their labours that the other classes of society derived all their comforts, and he hoped, in return, that those who owed so much to them would do what was in their power to relieve the necessities and increase the comforts of the distressed, but industrious, population. He could mention many instances illustrative of the extreme facility with which this could be accomplished, to the great benefit of all. He would take the single case of the Littleton Private Inclosure Bill. The parish contained a population of 135 souls, and there were 244 acres of common land; now if only ten acres were appropriated in allotments to the labouring poor, the whole population of the parish might be made comfortable. He would now move that the standing order, No. 89, be rescinded, with a view to substitute the following resolution in its stead :—

> "That in every bill for inclosing lands, provision be made for reserving a portion of the land to be inclosed to be let in allotments, not exceeding a quarter of an acre each, to the labouring population of the district, and for leaving an open space in the most appropriate situation, sufficient for purposes of exercise and recreation of the neighbouring population; and that the committee on the bill have before them the number of acres proposed to be inclosed, as also of the population in the parishes or places in which the land to be inclosed is situate; and that they then fix the quantity to be reserved; and also do see that provision is made for the efficient fencing and draining of the allotments, for the investment of the same in the churchwardens and overseers of the parish in which such allotments and open spaces are reserved, who shall be empowered to let the allotments so reserved, at rents not exceeding the average rent at which the adjoining lands are let, and to receive the rents for the purpose of applying the same in aid of the parish rates, and for the efficient making and permanent maintenance of the fences in such parish; and that in any case where the information hereby required is not given, and the required provisions are not made in the bill, the committee on the same do report specially to the House the reasons for not complying with such order."

The question was put that the standing order 89 be repealed.

Lord *Granville Somerset* hoped that in opposing the proposition of the hon. Gentleman he should not be considered as being inimical to the adoption of any plan that would give healthy and profitable employment to the labouring poor. On the contrary, he thought that nothing could be better than the adoption of some judicious plan by which the labouring poor should have certain portions of land to cultivate. But he did not think any advantage would be derived from the proposition of the hon. Gentleman, because he was afraid that if it were to be carried out universally in the manner proposed, the result would be, that the poor would be entirely under the control of the parish officers, who would substitute these allotments for relief that should properly come out of the poor-rates. The form of the motion of the hon. Gentleman induced him to hope that he would not press it upon the House. The present standing order was at the time of its being passed much considered. If the system proposed by the hon. Gentleman should be carried out, he could conceive various instances where the rights of parties would be very considerably infringed upon. The churchwardens would avail themselves of it to relieve the poor-rates without any benefit to the poor themselves.

Mr. *Sharman Crawford* would give his most ardent support to the principle of the proposition. A system had long prevailed of depriving the poor of their rights to a share of the common and unenclosed lands. It was plain to him that there was no other mode of decreasing the demands of the poor rates, and of increasing the comforts of the labouring population, than by giving them a portion of land to cultivate.

Lord *John Manners* thanked the hon. Member (Mr. Stanton) for bringing this subject before the House. If the Legislature devoted their attention rather more frequently to such questions as this, they would do more real benefit to the country than by debating matters of a merely party character. He had received a communication from Mr. Wills, the founder of the Labourers' Friend Society, in which he represented the allotment system as having been adopted with very great advantage to the agricultural population. He was convinced that by enabling the labouring poor to employ themselves in the cultivation of the land, and to resort to healthy recreations and manly out-of-door sports, they would do them more real good, and do more to improve their morals and promote their happiness, than by founding half a hundred philosophical institutions. The people never would or could avail themselves of those learned societies and Mechanics' institutions, unless they were also enabled to enjoy those health-promoting recreations which, he was happy to say, were encouraged in different parts of the country. In the committee on this subject Mr Monk said that:—

> "Since the inclosure acts had become so frequent, he thought some places should be provided for the exercise and recreation of the working classes, and especially for their children. In his own parish the labourers had their cricket matches, their quoit playing, and their revels; the poor had been accused of ingratitude, but he had found them the most grateful people alive."

He had received many communications upon the subject from all parties—from clergymen, merchants, and resident gentlemen—all tending to the same opinion, that the system of affording the labouring poor the opportunity of healthful out-of-door amusements would greatly improve both their physical and moral condition.

Mr. *Darby* thought it would be a very bad plan indeed to assign any portion of land to the exclusive control of the overseers, to be allotted to the poor; for the inevitable result would be, that instead of the industrious man having the land it would be given to the worst men in the parish. As far as his experience went, he was satisfied that the best system to pursue would be, to let the land to the industrious labourer, in order that he might add something to his wages. He highly approved of apportioning spots of land for the exercise and recreation of the people; but as for the allotment system, that required the most careful supervision and strict regulation.

Mr. *Ormsby Gore* thought the wishes of the noble Lord (Lord J. Manners) had been already in some degree complied with; for there existed an act of Parliament by which no inclosure could take place without a portion of land being set apart for the use of the people.

Mr. *Ferrand* tendered his sincere thanks to the hon. Gentleman for bringing this question forward. If Parliament would enclose the waste lands in the north, lands which merely wanted breaking up to make them equal to the best arable land, it would confer a great benefit upon the people. The working classes in the north of England were in a state of starvation for want of labour; but if the waste lands there were brought into cultivation, they should hear no more of the distress and discontent of the labouring population. He would take the present opportunity of stating that it was his intention to ask for leave to bring in a bill upon the subject.

Mr. *Hume* said, that if the hon. Member was anxious to forward the object contemplated by the resolution of 1837, he would recommend him to look at the returns called for three years ago, and see how that resolution had been acted on. He would find that although in some cases one acre, two acres, three acres, or four acres had been set aside, yet very inadequate provision had been made for the poor. He recommended the hon. Member to withdraw the motion, and move for a committee to see how the order had been acted on.

Mr. *Stanton* would adopt the suggestion of the hon. Member for Montrose, and withdraw his motion, trusting that some more experinced Member than himself would take it up; otherwise he must leave it in the hands of her Majesty's Government, whom he believed to be desirous of doing all in their power to promote the public welfare. His only object was to benefit the poor, and he trusted that this object would be attained.

Motion by leave withdrawn.

SANITARY REPORT.] Mr. *D. Maclean*, referring to the report of Mr. Chadwick, relative to the sanitary condition of the labouring poor begged to ask his right hon. Friend the Secretary of State for the Home Department whether, in consequence of that report, her Majesty's Government contemplated introducing, during the present Session, any measure to carry out its recommendation, or to proceed with the bill which had been introduced in a former session.

Sir *James Graham* had already stated to the House, and he would then repeat, that with reference to that report, it was the intention of her Majesty's Government to introduce a bill for the regulation of building within the metropolis, and his noble Friend the Commissioner of the Woods and Forests would soon introduce that bill. It had been thought desirable to confine its provisions, in the first instance, to the metropolis, and if it should succeed there, it would be very easy to extend it to the large towns. He hoped that the bill would be laid before the House next week. Upon a full consideration of the subject, it was thought that the bill of a former Session could not be adopted, and that it was not calculated to remedy the evils complained of. The subject was most intricate and difficult; it was connected with the right of drainage in large cities, and the dealing with the rights of owners: it was a matter which required scientific knowledge and practical experience; and, on the whole, her Majesty's Government had thought it best to refer the report and its recommendation to a commission.

TREATY WITH PORTUGAL.] Mr. *Wallace* wished to ask a question as to the progress of the commercial treaty with Portugal, as great anxiety was manifested to know whether there was to be a treaty or no treaty?

Sir *Robert Peel* replied, that he was sorry he was not able at that moment to give any information as to a final arrangement. He would, however, tell the hon. Member the state in which the negotiations stood. Some time since it was intimated that the negotiations should be brought to a close, and they informed the government of Portugal of their views as to the mode in which there could be increased commercial relations between the two countries; they stated also that to the propositions then made they must adhere substantially. They had received a reply making considerable advances, but they were not deemed satisfactory. By the last mail they had intimated to the government of Portugal, that they adhered to their former terms, and he apprehended that by the next mail he should be able to give a definite answer to the hon. Gentleman's question.

CUSTOM HOUSE FRAUDS.] Mr. *Wallace* held in his hand a provincial newspaper, which stated that 180,000*l.* had been given as hush-money by parties recently engaged in smuggling into the port of London, and that one of the Custom-house functionaries had realized a fortune of 80,000*l.* He mentioned the subject in thorough conviction that, there was no truth in the rumour, and in the hope that the report of the commissioners would contain all the names of the delinquents.

Lord *Granville Somerset* having received notice of the intention of the hon. Member to ask the question, had communicated with the authorities at the Custom-house, and he could assure the House that there was not the slightest degree of truth in the first allegation alluded to. Several prosecutions had been instituted against persons supposed to be implicated in defrauding the Customs, and he could state that no proposal for a compromise had been made, or if made would be accepted. As to the sum of 80,000*l.* having been realised by an individual, the hon. Member would see that he had no power to make himself acquainted with the fact either way. All he would say was, that, as far as the Government was concerned, the inquiries and the proceedings would be prosecuted to the utmost.

THE GOVERNOR OF ST. KITT'S—TREATMENT OF A MIDSHIPMAN.] Sir *Charles Napier* rose, to ask a question of the noble Lord the Secretary of the Colonies on a subject which he had mentioned to the noble Lord last evening, and which he would repeat. About two months ago one of the mail packets to the West Indies had delivered its mail at St. Kitt's, and had gone about five miles from Basse-terre, when a gentleman went up to the captain and asked where they were going, and on being told to St. Thomas's, stated that he was the Governor of St. Kitt's, and that it was impossible for him to go on, and that he must be landed at Basse-terre. The captain said, that it was impossible that he could go to Basse-terre, but that the gentleman could be landed at the point. Accordingly, a boat, with a midshipman and four or five men, was launched, and was pulling towards the point, when the governor insisted upon being landed at Basse-terre. The midshipman told him that he had orders to the contrary, and could only go to the point. An altercation took place, and the governor told the midshipman that if he did not go to Basse-terre he would fling him overboard, suiting the action to the word. The boy swam round, laid hold of the rudder, and was hauled into the boat. The governor again insisted on being landed at Basse-terre, and declared if the midshipman did not take him, he would fling him overboard again. The youngster said he should do no such thing, but should land him on the point. The strokesman then interfered, told the gentleman, "We know no governor here, our only governor is that youngster, and if you attempt to throw him overboard I will cram this oar down your throat." The consequence was that the governor was landed on the point, but the steamer was gone. Finding this the youngster landed, got some bread and some water, and a sail: he gallantly stuck up his sail and ran up 200 miles to St. Thomas, and picked up the ship. He (Sir Charles Napier) had this report from the highest authority, and if this act had been done by the governor, he thought it higly necessary that he should be unshipped. Had the noble Lord inquired into the truth of the statement?

Lord *Stanley* said, that no information had been received by the Government of these circumstances, or of anything like them. In consequence of what the gallant officer had stated last night he had made inquiry whether there was any official report; but, as he had told the gallant officer last night, if the gallant officer would give him his authority for the statement, he would take care that no time should be lost in ascertaining the facts.

Sir *Charles Napier* had told the noble Lord that if, when the vessel came home, a regular report was laid before the Directors, and if the noble Lord would send for the managing Directors of the Company, he would learn all about it.

Subject at an end.

PECULIAR BURTHENS ON LAND.] Mr. *Ward* rose to bring, for the second time, under the consideration of the House, a motion, which, whether he looked to its intrinsic importance, or to the indisputable justice of what he asked, must, he was convinced, have met with a very different reception on the part of the House, from that which it experienced last year, but for the disadvantageous circumstances under which it was introduced. These words implied a censure upon himself; for, as the originator of the motion, it was his duty so to have framed it both as to form, and time, as to ensure to it the largest possible amount of support. He meant to do so; but, upon calmer reflection, he was willing to admit that however just and reasonable it might appear to him, and to those who sat on that (the Opposition) side of the House, that inquiry should precede legislation, nay more, however unjust, and unreasonable they might think it that parties interested should assume that, which was not only the proper preliminary, but the only admissible basis, for any legislation affecting the free importation of foreign corn; when once the die was cast, and the Government had made up its mind to consider the question of right as settled, and that determination had been confirmed by large majorities in that House, he had no right to suppose that the right hon. Baronet opposite would consent to suspend the progress of a measure, which, he was certain of carrying, in order to go, with his opponents, into an inquiry which might have delayed indefinitely the passing of the New Corn-law Bill. The right hon. Baronet hit this blot, as in general he hit every blot that his adversaries gave him an opportunity of hitting. He touched lightly and cursorily upon the merits of the motion, but he dwelt largely, and with great force, upon the time and circumstances, under which it was brought forward. The right hon. Baronet said that,

> "It might or might not be proper to appoint a committee to inquire into the peculiar burthens on land, but it was most improper to do so, if the consequence were to be that Parliament must leave the landowners, the tenantry, all who derive their income from the production or the sale of corn, in a state of utter uncertainty as to its intention, until the termination of an inquiry which might be protracted for two or three years."

Some of the Members on his own side of the House took the same view, and among them, the noble Lord, the Member for Sunderland (Viscount Howick) and they took it upon intelligible grounds. They said that the Corn Bill of last Session, though a bad law, was a better law than that which we had before it. It was a step in the right direction, and they took it with the firm determination of taking another step as soon as they could. He ventured to dissent from this opinion. He thought that where a change of such vast importance to all parties concerned was contemplated, the first thing to look to was stability—something that would satisfy the country—that would last; and he felt convinced that nothing could prove either satisfactory, or lasting, that did not begin with a searching inquiry into the two subjects comprehended in his motion,—the peculiar burthens, and the peculiar exemptions, of land. To legislate without this, was to build a house without a foundation—to construct a machine of tremendous power for evil, or for good, upon a false principle; and it was no answer to those, who said that the principle was false, and offered to prove it, to tell them, wait until the machine is finished, and then we will inquire. He was glad, however, that he had now got rid of this whole class of objections. He was glad, that he could now bring forward a substantive motion. He conceded nothing in doing so. He did not believe that there existed any burthens upon land, and he did believe that there were exemptions in favour of land without a parallel in the history of the world. But those who had always founded their right to protection upon certain burthens which were supposed to exist, could not shrink from the inquiry which their own acts and speeches had provoked. That was the ground for the motion with which he should conclude that night. It was for others to prove that the grounds on which Parliament had legislated for a number of years, to the detriment of the country, as he conceived, were just grounds. He supposed he might assume, as an abstract principle—and it was the only assumption he would ask of them; that a Corn-law *per se* was a bad thing; that it was an evil in a country like this, in which the territory was limited, and the population increased at the rate of 1000 a day, that the Legislature should step in between the people and the supply of food. The main body of the people of England were the consumers, and not the growers of corn; and therefore, whatever sacrificed the larger to the smaller body, the many to the few, must be justified upon special grounds. He had high authority for this. The right hon. Baronet (Sir R. Peel) in introducing his Corn-law on the 9th of February, said:—

> "You are entitled to place such a duty on foreign corn as is equivalent to the special burthens which you impose on agriculture; and any additional protection to agriculture can be vindicated only on the ground that it is for the interest of the country in general."

Yes, but the right hon. Baronet had defined what was the interest of the country. He said:—

> "To buy in the cheapest market, and to sell in the dearest, is the interest of the country."

But was the right hon. Baronet singular in his opinion? The right hon. Gentleman the Vice-President of the Board of Trade had developed the same idea, not only in speeches in that House, but he had done so also in the hours of his official relaxation in a work which he supposed might now be ascribed without hesitation to the right hon. Gentleman's paternity, which he had read with great interest, and which the hon. Member for Dorsetshire, and many hon. Gentlemen on the Ministerial side of the House, might read with great profit; he alluded to an article in the *Foreign and Colonial Quarterly Review*. The right hon. Gentleman's first position was,

> "That the industry of this country has nothing to fear from the steady and gradual increase of the importation of all commodities from abroad, which can be produced there at a less cost of human labour and capital than amongst ourselves; but that it has everything to fear from the cessation or decline of that mighty course of operations whereby benefits—benefits only of this world, it is true, but yet in their proper place and nature real, if inferior benefits—are exchanged between the several families of the human race."

The right hon. Gentleman developed this idea afterwards. He worked it out still further; and in another part of the same paper he (Mr. Ward) would also recommend to the attention of the House, he said:—

> "There may be good and valid reasons for the maintenance of protections; but they are not to be defended by any such caricature of the general principles of trade, as the notion that, by purchasing from foreigners that which they can produce more economically than ourselves, we are diminishing our own means of purchasing from one another that which we can produce more economically than foreigners. * * * The home trade and the foreign trade are likely, on the whole, to flourish conjunctively, not disjunctively. One and the same principle of beneficial exchange—exchange beneficial to both parties—is the foundation of commercial dealings, whether they be carried on between an Englishman and a Frenchman, or between an Englishman and an Englishman. And laws obstructing, or restraining such exchange, are to be justified in all cases where they are justifiable, by reasons drawn from other sources, not by reference to the rules which common sense and experience supply for our conduct in the mere augmentation of wealth."

This was the principle on which they ought to proceed. He wanted to have the principle better laid down—he was willing to adopt it. But where such important matters were at stake, there must be no begging the question on the part of the agriculturists, and he must say that they had done nothing else but beg it since 1815. He could only explain this peculiarity on the part of Gentlemen who unquestionably had the good of the community at heart, on the principle on which Lord Ashburton had explained it in 1815, namely, that it was natural that the owners of land should take a narrower view of matters, in which land was concerned, than they did of general political questions; and that a very peculiar interest must be taken in the value of land in a House where the whole of its Members were sworn to be landed proprietors. He (Mr. Ward) was afraid that Lord Ashburton was right; for their narrow views—this excessive tenderness for land—had become more marked in the proceedings of Parliament as landowners had felt their strength there, and as Parliament itself had asserted its independence of the Crown. The first systematic attempt at a Corn-law was made just after the Restoration; under a monarch, a Ministry, and by a parliament, of which no man of the present day could pretend to speak with respect. The first bounty for exportation was passed in the Convention Parliament of King William 3rd, at a time when the King could not quarrel with men who had just placed the crown on his head. A double tax was imposed on the community by this bill, for there was first, the tax to pay the bounty, and next, the increase of price, caused by the forced exportation at home. From 1693 to 1783, the direct payments were 6,237,176*l.*, while in the year 1750 alone, the amount was 324,176*l.* But there was one redeeming point in the proceedings of this Parliament. There was no humbug, no mystification about them. If they looked at the Journals of the House, they would find that this bill was founded on the report of a committee appointed on the 4th of May, 1689, for the express purpose of "considering the reason of the fall of rents, and of bringing in a bill for the remedy thereof." The spirit of legislation on this subject had always been the same; it had always been the object of the Legislature to consider the reason of the fall of rents, and to bring in measures for the remedying thereof; but we had had no such candid admissions as those which had been made in 1793; we had had no such candour in 1815; for on looking at the debates of that period, it would be found that the subject of universal comment and complaint were the peculiar burthens to which the land was subjected. This was the constant theme with every one; and although the amount of protection given to land was enormous—although the price at which importation was to be allowed was fixed at 141*s.* by the committee of 1814, and was only reduced afterwards to 96*s.*, and then to 80*s.*, men were found who got up and said that even at these prices the landed interests were not sufficiently protected, considering the vast burthens imposed on them. One gentleman there was, Mr. Lockhart, who had endeavoured to make out that the national debt was a peculiar burthen upon land. He concluded that that gentleman had never heard of the duties of Customs and Excise, or of the purposes to which those duties were appropriated, or he thought that he could hardly have advanced such a proposition. His argument was this:—

> "Who paid the dividends which the stockholders received? Beyond a doubt the landowners. So let those gentlemen look to it, who were disposed to sacrifice the interest of the landowner, and with it their own, to save a paltry penny in the price of the quartern loaf."

He hardly thought that the hon. Member for Dorsetshire, who had given notice of a motion for this evening, by way of amendment to the present proposition, would go so far as this. Other Gentlemen pleaded the immense capital embarked in land; but he must do the Parliament of that day the justice to add, that this line of argument was not much dwelt upon after the speech of Mr. Charles Barclay. Mr. Barclay said—

> "The principle of the bill was this: The landowners claimed from the House and the country, compensation for the capital which they had employed in the improvement of their own estates. Surely, by the same rule, the manufacturers would have the right of claiming compensation for new machinery, and for all the costly improvements in their trade. But no body of men, however respectable, ought to expect a compensation for the capital they expended for their own benefit, or for the taxes they paid in common with other bodies of men, according to their several circumstances in life."

Since that time, the landowners, as a body, had improved, they had profited by this lesson; for their constant plea since then, and up to the present day, had been, that they were not taxed properly, according to their circumstances in life—that they were over-taxed—that they were kept as a sort of milch cow by the State, and that they had a right to expect some compensation for the undue burthens with which they were saddled for the advantage of the community at large. In 1827, when the subject was next talked of in that House, Lord Clive moved a resolution, in which he declared that all that he asked from the House was a protection amounting to prohibition for a certain term of years; but he founded this claim upon very reasonable grounds; for he said:—

> "Now, all he asked of the House was protection, amounting to prohibition, for a certain term of years. He considered such a protection indispensable. At what precise price it might be provided, he left the House to determine; but he defined his demand by supposing that it should be a protecting duty amounting to a prohibition, continued, say for two years, during which interval the Government might repeal taxes at present bearing upon the agricultural interest to such an amount as would enable them to raise their corn at a much less expensive rate, so as to give them some chance of competing with the foreign grower."

How was this met? He was asked by the then Chancellor of the Exchequer—

> "Had not his Majesty's Ministers been steadily employed since 1821 in reducing the taxes? And what had been the result? Twelve millions of taxes had been repealed since that period. Whatever difficulties, therefore, the farmer suffered from the effect of the taxes, those difficulties were now by so much less."

The right hon. Gentleman added,

> "To hear hon. Gentlemen talk of the Corn-law of 1815, which they hugged to their bosom with all the fatuity of misplaced affection, one would think that in this law were locked up all the good things that farmers could desire; yet prices had fluctuated under it from 112s. to 38s."

This was a subject which was worthy of remark, that, whenever a New Corn-law passed, they always found a disposition on the part of the Government to admit all the evils which the late law had inflicted on the country; but then past experience never deterred them from taking the very same steps, and acting on those very principles which their own observation had condemned. In our more recent discussions, some small variations had been introduced by the noble Lord, the Secretary for the Colonies, and by the noble Lord the Chief Commissioner for Woods and Forests. The latter noble Lord, in his speech at Newark, in terms which they did not frequently hear in that House, but which, perhaps, were not inconsistent with the heat of a controverted election, thus addressed the constituency on the 6th of July, 1841. He said:—

> First, let me congratulate you that the country has refused to be cajoled by the latest fabrication from the workshop of Whig trickery and delusion. The cry of cheap bread is scouted from one end of England to the other. Even the towns and boroughs have scorned to be caught by this party claptrap—this fugitive humbug of a dying political faction. They see that the agriculturist is burthened with taxes, from which all other classes are wholly, or nearly exempt. Does he not chiefly bear the burthen of poor-rate, church-rate, highway-rates, and tithes. (*Great Cheering*)."

Would the noble Lord, he asked, repeat the question here? Or would he venture to express a deliberate belief of the existence of the facts to which he had appealed? The conclusion of the speech of the noble Lord was a *confession de foi*, after the example set the noble Lord by the right hon. Baronet at Tamworth. The noble Lord, the Secretary for the Colonies, however, was not satisfied with adopting the same course; for after quoting Mr. M'Culloch to prove that the agricultural interests were over-taxed—a proposition, by the bye, which Mr. M'Culloch had never proved—he diverged into a much wider field of discussion, and argued,

> "That it was necessary to keep up prices and rents, for the sake of the farmers, the landlords, but, above all, the humbler classes, who would be the first and greatest sufferers, if the gentlemen of England were compelled to reduce their establishments—to curtail their pleasure-grounds—to limit the number of their gardeners, or to turn off one or two grooms, which the Corn-laws enabled them to keep." [*Marks of Dissent from Lord Stanley.*]

He (Mr. Ward) was certain that he was not misrepresenting the noble Lord's argument, for he had read it over very recently, with the greatest care; and the noble Lord had wound it up with the words

> "It is for the labouring classes of this country to consider, whether that which diminishes the income of the landlord, and the profit of the farmer, is likely to be productive of advantage to society or to them."

Did the noble Lord really mean to give the country this as a reason for maintaining the restrictive system on the introduction of foreign corn? Why, for every liveried menial which the noble Lord or his class were thus enabled to maintain, he could show the noble Lord 100 starving artizans. Did the noble Lord mean to place the comforts of the nobility in comparison with the ruin of such towns as Sheffield and Bolton? It was a most unworthy argument to advance—it was an argument which could not be sustained, but it was an argument of the party—it was a part of the system, which was to take by the bucketful, and to dole out by the spoonful. He had seen an advertisement of a Friendly Union, formed in Leadenhall-street, under the patronage of Lord Lyndhurst, Sir Robert Peel, Lord Liverpool, the Earl of Aberdeen, and many others, the object of which was to give employment to the industrious artisan, by inducing persons to take tickets for the purchase of various articles of manufactured produce; but he maintained that the poverty of nine-tenths of these persons was the result of the Corn-laws. The noble Lord, however, justified the present state of things by talking of the general policy of the country. He said,

> "The general policy of this country required that agriculture should be protected, and though protection might have a tendency to raise the price of corn above its natural level, it prevented those extraordinary fluctuations which were common in other countries."

Now, let them compare this argument with the facts. He had quoted the speech of the Chancellor of the Exchequer of the year 1827, to show that the fluctuations of price had been between 112*s.* and 38*s.* under the law of 1815; and our own experience taught us that under the law of 1827 they had been between 84*s.* and 85*s.*, and yet the noble Lord ventured to say that protection prevented fluctuation. Upon the question of general policy he would not enter, but he would venture to say that there was no term in the English language on which there had been so much nonsense fathered as this—it was the common drudge of every party, and was made an apologist for every purpose. His text was, and he would stick to it, that land had no claim for exemption of any kind, except upon the ground that it contributed more largely to the wants of the country than other property; and this was a question which must be decided upon a reference to facts, and not by the assertions of interested parties. He knew that upon this subject he had high authority opposed to him. The right hon. Baronet (Sir R. Peel) opposite, in 1841, before he had come into office, for he had given no such opinion since then, had said,

> "The proposition of buying corn in the cheapest market is certainly a tempting theory; but before you determine that it is just, you must ascertain the amount of burthens to which land in other countries is subjected, and compare them with the burthen imposed on land in this country."

No one was disposed to speak of the right hon. Baronet with more respect than he was, but he could not help expressing his opinion that this expression exhibited a complete confusion of ideas. The question was an English question, and not a Polish or a German question, and it must be decided with reference to the taxation of different classes in England, and not with regard to the difference in the amount of taxation in Germany, or Poland, and this country. If it was established that there were burthens imposed upon land in England greater than any other class of property, then they might inquire on what terms German or Polish wheat should be admitted; but if it were not, to enter into any discussion upon the subject, would be merely to beg the real question. Then what were the burthens on English land? And first, he would get rid of the rubbish which was introduced into these debates, and would say what in his opinion were not burthens to which land was peculiarly exposed. Some persons had told him very gravely that before he could think of removing the existing restrictions, he must look to the expenses of management of land, and all the incidental cost of buildings, drainage, repairs, &c. This, he thought, must be classed under the title rubbish, because there was no business in which capital could be invested which was not liable to some such outgoings, and in the case of a manufacturer it could hardly be disputed that the same observation applied, or that he was not as much entitled to consideration for the expense of machinery and building as the landowner. He laid it down, then, as a first proposition, that no ordinary outgoing could be considered in the light of a burthen upon the land. Nor could any fluctuations in the value of produce be considered in that light. Mr. M'Culloch told us that the value of cotton cloth in 1839 was one quarter of its value in 1814, and he had no doubt that many Gentlemen would be glad to get the same price for such goods now as they had obtained in 1839. Iron, in 1836, was sold at 12*l.* per ton; it was now 6*l.* 10*s.* only, and he believed that there were iron-masters keeping open their works at a loss of

1,000*l.* per week. But he had never heard of any proposition of a measure to indemnify such persons for their losses, and he could not discover any reason why, in the case of losses to which all were equally exposed, any distinction should be drawn. But then he had been told that the Income-tax was a burthen, to which the land was peculiarly subject, for that this was an impost from which there was no escape. He could not help thinking, however, that the hardship was quite the other way; for the House had taxed income derivable from uncertain sources—from professions and trade, at the same rate at which the tax upon secure and fixed incomes from land and other sources was laid. He came back, then, to the aboriginal list of burthens, which the right hon. Baronet opposite had proclaimed at Tamworth, and which all his supporters had maintained through the country, namely, poor-rates, county-rates, highway-rates, and tithes—the land-tax had been omitted, for good reasons. He had gone over this part of the subject so recently, that he should press as shortly as possible upon the attention of the House on the present occasion, and trouble it with as few figures as possible. With regard to the subject of Poor-laws, he must express his heartfelt obligations to the hon. Member for East Norfolk (Mr. Wodehouse), who, wishing to demolish the present motion by anticipation, had made out the very case which he desired to bring before the House. He had procured a letter to be addressed to him—he meant nothing offensive to the hon. Member—which contained an analysis or estimate of all the returns upon this subject, and an attempt to compute them for the last hundred years. He would take the figures of this estimate—he would not dispute its averages—he would admit, for the sake of argument, that its result was correct. In this letter it was stated, that the total sum paid in ninety-four years for poor-rates and county-rates was 404,065,983*l.* That of this land paid, 255,150,063*l.*; houses, 123,716,217*l.*; mills and factories, 16,547,390*l.* Now, the result of this was, that the money which was actually levied on house property, on factories and mills, was considerably more than half that levied on land. His argument had always been, not that the land did not pay something more than the house property, but that it did not pay more than it ought to pay, with reference to its intrinsic value, and he thought that this case was clearly made out. He found, upon reference to the financial statement of the right hon. Baronet of last year, that the rent of land was taken at 39,400,000*l.*, and the rent of houses at 16,260,000*l.*; house property was, therefore, considerably less than half the value of land, and yet houses were called upon to pay much more than half the amount of poor-rate exacted from land. Was this a reason why landed property should come to that House and demand to be reimbursed for peculiar burthens? He thought that all would agree with him, that these facts made out a strong case against the landowners. But how stood the case now? The rent of land was taken at the same amount—39,400,000*l.*, and the rent of houses was calculated at 25,000,000*l.*, because it was said that the number of houses had increased from 2,231,000 to 3,460,000, all of which were assessed to the poor-rate. The result of this was, that land now bore considerably less than half the charge levied for the relief of the poor, and that all the arguments which had been advanced, as showing the right of the landed interests to protection, upon the score of poor-rates, were completely negatived. There was not a tittle of evidence to show that the landed interests were entitled to a 1*s.* duty on foreign corn, much less a 20*s.* duty, which would amount to a prohibition; but, on the contrary, every thing showed that house property had from the earliest period paid its full share of rate. The result of the late measure had merely been, as the right hon. Gentleman the Vice-President of the Board of Trade had himself expressed it, that the Government had got rid of the "surplusage of odium" which attached to the maintenance of the old law in its terms, and nothing more. But there was another point of view, also, which showed that so far from land suffering by change, it was constantly gaining by the improvement of other property. He alluded to the subject of rating railways, as affording evidence in support of this proposition. It was calculated that a mile of railway covered eight acres, but that mile was assessed in many cases at such a sum as paid one-half of the rates of an entire parish. In one instance a mile of railway was assessed at 1,500*l.*, which was the largest amount he knew of; in another at 600*l.* Now taking the ordinary case of eight acres of land, he begged to ask what they would produce in the shape of poor-rates under ordinary circumstances; and whether it might not eventually be expected that when the traffic on railways was extended, as he believed it would be, by far the largest portion of these rates would not be thrown upon those who made use of these lines of communication? If this was so, and he thought it could not be doubted, here was another source of relief to the owners of land. But there was another circumstance to which he would refer—he meant the fearful responsibility which was now devolving upon land from the aggravation of the common burthens arising from the stagnation of trade. He had on a former evening shown that the payments of poor-rates to casual poor in Sheffield had risen from 13*l.* 15*s.* per week to 503*l.* per week; that in 1840 the payments amounted to 26,000*l.*, in 1841 to 35,000*l.*, in 1842 to 52,000*l.*, and in 1843, if we may form a judgment from the first ten weeks of the year, they would reach 64,000*l.*, and that was the amount anticipated by men of the greatest experience. Who, he asked, was answerable for this, but those who stood between the industry of the manufacturing towns, and the legitimate outlet of the produce of our manufactures? The towns had claims on the land for compensation a thousand times greater than any claims of the land upon towns. With regard to the county-rate, he would only remark that one-half of it now fell upon the consolidated fund. The highway-rate was one, of which least of all landowners should make any complaint. Roads were indispensable, and were for the advantage of the landowner and his tenants. They were recognised by the statute law of the realm, and their maintenance was treated by common law as a prædial obligation—as the condition of proprietary rights. The first thing which a tenant sought, upon his taking land, was a road to communicate with it; and it was the first thing which the landlord was compelled to provide. The land could, with as much justice, call upon the public to support its roads, as the City of London could tax Cornwall for paving Cheapside. The maintenance of roads was, according to his view, a matter of peculiar and not of common interest; and it was as well the interest as the duty of the land to secure early access for its produce to market. Then, with regard to tithes and Church-rates. The right hon. Baronet opposite, in the course of last year, had declared that nearly the whole of the maintenance of the Established Church was charged upon land. The Church-rates of the country amounted to 506,312*l.* per annum, of which amount two-fifths were paid by the towns, upon a rental of thirty-nine and a half millions. The right hon. Baronet had said,—

> "The Dissenters have no right to complain of the payment of Church-rates, because they have purchased their property with a full knowledge that it was subject to such an imposition."

But every one who was possessed of property was furnished with the same knowledge; and surely the landed interests could not complain of the application of this principle to their rental. The argument, however, was much stronger with regard to tithes; because tithes were antecedent, not only to the Corn-laws, but to the very existence of proprietary rights. It was one of the old proprietary rights of the Church—it preceded the conquest—it was part of the conditions on which estates were then granted, and it could not be shaken off. He recollected in 1838, on the debate on the Irish tithe question, the noble Lord the Secretary for the Colonies had told the Irish landlords, that if tithes were abolished the next day, they were the last persons who should ever profit, with his consent, by one fraction of a farthing of the amount. And he agreed with the noble Lord, because tithes were matters entirely distinct from proprietary rights, and on which landlords could never have any claim. Mr. Burke, in reference to this, had said,—

> "From the united considerations of religion and constitutional policy, this country has incorporated and identified the estate of the Church with the mass of private property, of which the state is not the proprietor, either for use or for dominion, but the guardian only and the regulator."

And he recollected a right rev. Prelate in another place laying a much greater stress upon them than this. Speaking of tithes he said,—

> "These last endowments he placed upon the altar of the King of kings. Touch them if you dare; and may God not visit upon you his curse for the sacrilege."

They were told, however, that tithes were a peculiar burthen upon land, and the right hon. Baronet had quoted Adam Smith, to show that he had considered them in that light; and Ricardo, who thought that if they were burthens on the land, the Corn-laws must be maintained. If tithes were taken in kind, he should agree in this proposition; but we had a commutation, and the claim of land for compensation in respect of this alleged burthen was one which could not be deemed to be borne out by any semblance of right. He thought, therefore, with Mr. Deacon Hume, that the gentlemen of England must learn to be contented with their estates, and that they must not make the possession of those estates the plea and the means of throwing the charges to which they were legally subject upon others. Before he proceeded to the peculiar exemptions of land, he would say a few words upon the subject of land-tax, which was in appearance the only distinct charge to which land was subject. The land-tax, he believed, was granted as an indemnity to the Crown for the loss of its feudal rights; it was a burthen exclusively upon the land, and was, in fact, the condition on which all land was held. The masses of the community had nothing at all to do with "aids," "relief," "primer seisin," and "wardship," or "maritagium," "fines for alienation," or any other of the conditions on which the feudal tenants of the Crown obtained their estates. These were obligations which it was fit should be abolished; but was it not equally equitable that those who had obtained the relief should bear the burthen which necessarily resulted from that relief? By the Convention Parliament of 1660 the burthen was transferred from the landlords of the country to the people, for they granted to the King a perpetual excise instead of the court of wards, the measure being carried by a majority of 151 only over 149. Some Members predicted the consequences of the measure, and Mr. Annesley said,

> "If this bill were carried, every man who earns his bread by the sweat of his brow must pay excise, and excuse the court of wards, which would be a greater grievance on all, than the court of wards was to a few."

Mr. Prynne said, that the excise would make all householders tenants *in capite* to free the nobility; but the bill passed, and it was not altered until the year 1689, when the House reverted to the system of direct assessment on property in the shape of a land-tax. At this time the tax was directed to be at the rate of 4*s.* in the pound on real property, "according to the full, true, yearly value thereof;" and the acts of 1689, 1692, and 1696, declared most unequivocally that the valuation upon which the rate of 4*s.* was to be levied should be the "full, true, yearly value at the time of making the assessment." Parliament had since decided that the land-tax should be levied upon the valuation of 1692, although since then rents had quadrupled, and even in some cases centupled; and, besides this, Parliament had contrived by statutes, worded with intentional obscurity, to impose a part of this tax on personal property—making real property the subsidiary or accessory fund, personal property being rendered liable, in the first instance. He need not point out the singular inequality with which the land-tax was assessed in various parts of the kingdom: in some parts it was only one farthing, and in others five farthings in the pound. He admitted that here and there the land-tax was heavy, nearly 4*s.* in the pound, and this inequality showed the evil of the present system most strikingly. Looking at the enormous increase in rental, it was ridiculous to talk of the land-tax as a *bonâ fide* tax. He held in his hand the advertisements of two estates now upon sale in Scotland; one of these, the estate of Mayen, consisted of 1,439 acres, at a rental of 801*l.*, and it was stated that the burthens, including land-tax, did not exceed 62*l.* per annum. The other estate was that of Cronberry, the rent of which was 430*l.*, and the burthens, including land-tax, no more than 17*l.* per annum. He wasaware that it was too late in the day to revert to an assessment of 4*s.* in the pound; no government would venture to make such a proposition, yet it was no more than land paid in almost every country of the continent. Mr. Pitt, when dealing with the land-tax, did not pretend to justify the system under which it was levied, but urged that after the lapse of more than 100 years, it would be unpopular, unwise, and impolitic," to deal with it as it deserved; but if to-morrow 4*s.* in the pound were to be levied, the land would not be more heavily taxed here than in many foreign countries. He would compare the Austrian budget of 1837, with that of Great Britain in 1841, when the indirect taxation in Customs and Excise produced 38,000,000*l.*, the land-tax amounting to 1,181,243*l.* In Austria, taxation in the Customs and Excise, in 1837, was 36,000,000 florins, and the land-tax alone produced 37,599,496 florins. In France, the land-tax, in 1838, produced in sterling money 10,474,110*l.*, amounting there to one-fourth of a revenue of 42,000,000*l.*, while in this country it was only one-twenty-fifth of the revenue. There were other exemptions in favour of land: there was no tax on farmhouses, husbandry, horses, servants, farmhouse windows, drainage tiles, insurance on farming implements and stock, on tax-carts, dogs, and several other items; for, let it be what it would, care was always taken that nothing should be taxed. All these advantages the landowners in Parliament had, in fact, awarded to themselves. The plea of poverty was not alleged, because among the servants exempted were stewards, bailiffs, overseers, managers, and clerks under them. Among the horses were those occasionally ridden by farmers of 500*l.* a-year rent, and those used by bailiffs representing the landowners by whom they were employed. In 1836 the hon. Member for Montrose (Mr. Hume) had put into a tabular form the saving that had been made by the landlords between 1816 and 1834, and it amounted to no less than 12,929,577*l.*; but even this was nothing, in comparison with the advantage gained by the land in the exemption from probate and legacy duty, now given up as indefensible by common consent. Supposing the land to have paid since 1797, when the duty was imposed, an equal amount to that actually paid upon personal property, the land of England had enjoyed an absolute exemption to the extent of 55,128,466*l.* Add to this sum exemptions from other taxes, amounting to 12,929,577*l.*, and it made a total difference in favour of the land to the extent of 78,058,043*l.* This, too, without the land-tax, which had been 4*s.* in the pound, and was reduced to 4*d.* and without indirect taxation, more insidious, but not less real, imposed upon the community in the shape of a tax upon food, which by Mr. Deacon Hume had been calculated at 36,000,000*l.*, and which Mr. M'Gregor conceived to exceed the whole public taxation of the country. Having gone through these details, he put it to the House whether he had not made out his case, whether he had not shown that it was utterly impossible for the House to resist the motion with any regard to public opinion, or to its own character. He had proved that the power of the landowners had been systematically applied to the reduction of taxation, as regarded themselves: it was like the elephant's trunk—nothing was too heavy to be moved by it—nothing too small to be picked up by it. From the gigantic fraud of the land-tax, and the wholesale exemption of themselves as a class from the probate and legacy duties, they had stooped to their bailiffs' horses and their shepherds' dogs. Could the House, then, refuse to inquire?—and when, at the end of his speech, he should submit his motion for inquiry, how was it to be met? No doubt the hon. Member who had given notice of an amendment (Mr. G. Banks) was as honest in his opinions as he (Mr. Ward) was; but he must pardon him for saying, that he had met the motion with an amendment so singularly inappropriate, both in time and object, that he could hardly conceive it had originated in a man who was confident in the justice of his own cause. It was in these terms:—

> "That it is expedient, as a remedy for a state of anxiety embarrassing and unfair to the agriculturists, and injurious to commerce, that the attention of this House be directed to the continued existence of associations, which, in matters affecting agriculture and commerce, pretend to influence the deliberations of the Legislature, and which, by their combination and by their proceedings, are at once dangerous to the public peace, and inconsistent with the spirit of the Constitution."

That was a perfectly legitimate motion; it was not one of which any man who sat on his (Mr. Ward's) side of the House was afraid, but it had in truth no more to do with the motion than it had to do with the gates of Somnauth. It might just as well have been appended to the recent proposition of the hon. Member for Northampton, on Lord Ellenborough's proclamation. What was his motion? For inquiry into the conduct of by far the most powerful combination that had ever existed: and how did the hon. Member meet it? By a proposed inquiry into the conduct of another association—another combination totally different in its objects and views. In short, the hon. Member for Dorsetshire seemed to wish to make a perfect Babel of the debate, for one speech was to be directed against the Corn-law League, and another to apply to the grave subject which he (Mr. Ward) had introduced. He had endeavoured to submit his proposition in a fair spirit, and in decorous terms. He entertained strong feelings on the subject; he hated injustice, and he believed that great injustice had been done by Parliament to the people, and he put it to the right hon. Baronet whether he would give him a committee to inquire, or whether he would resist it? Would he consent to institute a searching examination into the subject, conducted by the ablest men on both sides of the House? If the hon. Member for Dorsetshire had even the slightest confidence in his cause, if he believed in the soundness of a single ground on which he rested his amendment, he would not mix up two incongruous subjects, but would agree in a motion which only went the length of investigation, and might go far to restore the character of the House in the estimation of the country. He, therefore, begged the hon. Member to think seriously before he persevered in his course, and opposed an obstacle to the appointment of a committee. He offered the hon. Member for Dorsetshire every opportunity of proving his assertion, that the land was unduly taxed; he challenged him to establish that proposition. Would the hon. Member accept the challenge? If he would not, it was because he knew himself unequal to the contest; if he would, instead of opposing, he would second his (Mr. Ward's) motion with an honest intention of not shrinking from the task, but of prosecuting the inquiry for the ascertainment of truth. The hon. Member concluded by making the following motion:—

> "That a select committee be appointed to inquire whether there are any peculiar burthens specially affecting the landed interest of this country, or any peculiar exemptions enjoyed by that interest, and to ascertain their nature and extent."

Mr. Williams seconded the motion.

Mr. *G. Bankes* rose to move an amendment. He would endeavour to imitate the candour and temper displayed by the hon. Member for Sheffield, for all must agree that the claim he had put in on this score was well founded. If he had not been prepared to meet the motion with a decided negative, he should not have taken the opportunity of bringing before the House another subject, to him, individually, more interesting. He resisted the motion, not merely with respect to times, but circumstances; because, although he agreed in the general proposition that inquiry ought to precede legislation, he was most unwilling, at this moment of anxiety to the landed interest, to promote a proceeding which would tend to countenance the belief that further legislation was contemplated. He was quite certain that no Member would be found to assert that any addition to the prevailing alarm must not be detrimental; for however people might differ as to the cause, nobody would dispute that uneasiness, anxiety, and panic, did prevail. Inquiry would not only be injurious to the landed but to the commercial and trading interests, which sympathised with the prosperity or distress of the landed interest. Were the House to consent to the proposed inquiry, not only would there be no cessation of the panic, but the alarm would be increased to a degree attended with the utmost danger to the community. For this reason he objected to the motion in point of time; but circumstances also forbad him to concur in the motion: he was not, nor ever should be, ready to consent to a motion so framed. He could not consent to it, because he was of opinion that the Corn-laws were to be defended as a benefit to the nation at large, and he never would consent that the landed interest should be thus separated from the rest of the community. If the House wished really to inquire into the taxes and exemptions applicable to land, let the motion be preferred in proper terms, with reference to protection as well as burthen, but he strongly objected to this invidious mode of singling one peculiar class, and turning the eyes of the public upon, and directing the finger of scorn and odium against them. As one portion of the community, the landed interest was willing to sustain its due share of burthens. Some Members might concur in the opinion of the hon. Member for Sheffield in the doctrine that all protection ought to be abolished; but if so, the landed interest was not the only one which ought to be stripped. Why was the proposition shaped in a way to include one and omit all other classes? He had recently seen in the public journals a letter from a personage of high rank and station in the country, but who was known perhaps for nothing so much as for his adhesion to the Anti-Corn-law League—he meant Lord Kinnaird: that letter contained the following passage:—

> "I find that our views are not rightly understood by many landowners, who imagine that what we contend for is the abolition of the Corn-laws alone, instead of our advocating that as being the first step to the abolition of all duties imposed for the purpose of protection."

He objected to be the first stone—he objected to the appointment of a committee by which the agricultural interest was to be the first to be deprived of protection. On that ground, if on no other, he should resist the motion of the hon. Member for Sheffield. That hon. Member had applied himself to him individually, when he expressed an opinion that even he should not be so bold—perhaps, so obstinate—but, at all events, so firm, as to contend that the poor-rates and the national debt were burthens, especially affecting the land. After that sort of warning, he should be alarmed at advancing anything on his own authority merely, and he was therefore happy to be armed with authority of much more weight with the hon. Member. He alluded to a statement by a Member of considerable power in the House, but of greater influence out of it, the hon. Member for Stockport. That hon. Member had said,—

> "The landowner is tethered fast to this country; he cannot carry his acres abroad with him; the law of England gives the poor of England the right of subsistence on its soil; and that is the first mortgage upon the landlord's estate."

He should not have ventured to state it so strongly himself; and the same high authority went on to say—

> "But the landowner is not only pledged to the poor, but to the national creditor also."

After this point the hon. Member referred to the deficit of about five millions in the revenue, and proceeded thus:—

> "The acres of the landowners are always there, and the Government, if hardly pressed for an increase of the public income, must take from the estates of the landlords ten shillings in the pound."

These were the words of the hon. Member for Stockport. If, therefore, such a committee as that now proposed were unhappily appointed, it would end in nothing but a conflict of talent between hon. Members opposite, for they would, in fact, dispute about the meaning of words. The hon. Member for Sheffield, who denied that there were any burthens peculiar to land, had shown, at all events, that there were burthens peculiarly pressing upon land, and which fell with a heavy and undue weight upon land. He had alluded to the land-tax —a very usual topic among those who were opposed to the landed interest— and he had argued that it was light here compared with other countries. The hon. Member had shown considerable research upon this point, and had enlightened the House with a good deal of information, but he had forgotten to mention to what purposes in those countries the land-tax was applied. He had not stated that it included what are called county-rates, and some portion of what with us were known as poor-rates. I the county-rate and the poor-rates were added to the land-tax, it would be found that Great Britain could compete in this respect with any foreign country. He ingenuously owned that he was not able, and did not mean to speak with particularity and certainty upon this point; but he believed that the reason why the land-tax seemed heavy abroad was, that it in truth included several other imposts. He had now to request the peculiar indulgence of the House while he made a statement that respected himself personally. He hoped that the peculiar circumstances of the case would plead his excuse, and that the Speaker would be induced to relax in some degree the strictness of the rule which allowed of no reference to a former debate. When last the question of the Corn-laws was before the House, some particular observations were directed to him respecting his concerns, to which at the time it had been absolutely impossible for him to reply. He was happy to see the hon. Member (Mr. Cobden) who made those observations in his place, and for once he would ask that hon. Member a favour, perhaps the only one he should ever have occasion to request, it was this—that when he attacked him again, he would not do it at so late an hour of the night, and would not, at the same time, attack the Prime Minister ["No, no"]. What he meant was that the hon. Member would not call up the Prime Minister, and he assured the House that he had no other meaning. According to usage, any Member must give way when an individual high in authority rose, and however anxious he might have been to reply, however severely he had been vexed, he could not compete with his right hon. Friend in claiming the attention of the House. The hon. Member for Stockport had imputed to him what, if true, must be considered a very severe charge; and as the hon. Member belonged to an association accustomed to use hard words, such as "robber," "plunderer," "selfish monopolist," &c., the hon. Member no doubt thought he dealt mildly with him in the censure he passed. The charge was, that he had given wages below what he ought to have paid and was able to pay, and from that he was anxious to relieve himself. He had, therefore, taken this, the earliest opportunity when the subject of the Corn-laws was again introduced, and he was now prepared to make a statement which he apprehended would satisfy even the hon. Member for Stockport that he had been misled. He could not suppose that the erroneous statement was intentional; and he trusted that the contradiction he was now about to give it, would operate as a warning to the hon. Member not to rely too implicitly or easily on the information he received, for even though it were paid for, it did not follow that it was accurate. The hon. Member had stated that the highest wages he paid to agricultural servants in his employ was 8*s.* per week; the hon. Member went on further to say that, and assert, and the hon. Member dared him to the proof of the contrary, that the peasantry in his neighbourhood was the worst paid, the worst clothed, and the most illiterate of any peasantry in England. It would not be matter of surprise that he had provided himself with a refutation of the assertion; and he had brought with him the names of all the tenants on his estates, and he had also in his possession a number of letters, principally dated on the 20th of February (for he had written down to the country immediately after the accusation had been made), which he was ready at any time to place in the hands of the hon, Member for his scrutiny, or for that of any of the agents he might think fit to employ. The first letter was from a tenant of 1,200 acres, who stated that the wages he paid were,

> "Carters 8*s.* a-week, many of them having cottages and gardens rent free. They also had 1*l.* extra for harvest time, and fifteen perches of land for potatoes. The thrashers who were on task-work received from 10*s.* to 11*s.* a-week during the winter months, and in summer 15*s.* with beer. The shepherds' wages were 11*s.* 6*d.* a-week."

The writer added

> "That the labourers were in a more comfortable condition than they had been in for years past, particularly as they could get employment if they were disposed to work, and that in 1830 and 1831 there were twenty-five to thirty labourers out of employment (where the writer resided) at the present season, and that now there were not more than ten out of work, and they were not men of industrious habits."

He might here premise that when he wrote to these tenants he had given no reasons for his application, nor were they aware that he intended to make use of their answers. The next letter which he should refer to was from a tenant holding between five and six hundred acres, and this was also dated the 20th February. The writer said,

> "Sir—In reply to your request I beg to state:—Six regular labourers as thrashers and mowers earn about 10*s.* 6*d.* per week during the winter, and from 15*s.* to 20*s.* the haymaking and harvest. Fifteen perch of potatoe land each. Shepherd, 9*s.* per week, cottage free, and from twenty to thirty perch of potatoe land; 1*l.* and his keep during the lambing season,—about one month. Three carters, 8*s.* per week wages each, 2*l.* each extra for the harvest month; cottages rent free, and twenty perch of potatoe land each man. Two labourers, as job men, 8*s.* per week each. The man that makes the ricks and hedges on the farms earns about 10*s.* per week per year. Three under carters from 4*s.* 6*d.* to 6*s.* and 7*s.* each. This account given is precisely the same as I have been giving my men for years past: But I beg to say, if the price of corn and stock continues at the present prices, I shall not be enabled to support my labourers as heretofore."

The next letter was also dated the 20th of February, and was to the effect,

> "I received a letter from Mr. Robson wishing me to inform you the earnings of my labourers. My carters have 8*s.* per week, and 2*l.* the end of the year, and house and large garden free from rent. The shepherd much the same as the above. The barn men, I give them—for wheat, 1*s.* 4*d.* per sack; for barley, 1*s.* 4*d.* per quarter. They have earned during this winter rather more than 12*s.* per week. They pay 1*s.* per week house rent. I allow them to thrash all my corn by task work, and allow them a bushel of wheat for 6*s.*, the same as I make use of in my own house. The last few years they consider it very much to their advantage; but I never compel them to have it. I am sorry to say you will find but few labourers in this parish have this chance. We are giving in Shaparck by the week 8*s.*, and many other adjoining parishes have reduced them to 7*s.* I am very sorry to say we have a great many hands out of employ. I should have very much liked to have seen you personally"

The writer added,—

> "That in the adjoining parish, the work-people were not so well paid."

He might observe, that he had no land in the latter parish. The Member for Stockport had been pleased to say, that he was not an agriculturist; if, by this, the hon. Member meant only a person who derived a profit, or the means of subsistence from cultivating land, it was true; but if the hon. Member meant the observation to apply to the employment of labourers in agricultural pursuits, he was mistaken. He did employ labourers in such pursuits, although certainly the number was not great. He had made inquiries, and he found that on this property in question he employed thirty-one labourers. The lowest class of labourers were paid 9*s.* a-week each, the next class 10*s.*, the next 11*s.*, the next 15*s.*, and so on up as high as 25*s.* These, be it recollected, were all out-door labourers, and the latter class were chiefly composed of carpenters, who were employed in fencing and such kind of work. He might observe, that the labourers' wives and children were allowed to gather fire-wood one day in the week in his park. This was often of great advantage to them, and had been particularly the case during the present season, for in one of the gales that took place nearly half the avenue of trees were blown down. He had received a letter last week from one of his tenants, in which it was stated, that the hon. Member for Stockport had been down to his estate, and had visited every cottage in the village; at any rate, if the hon. Member was not down there himself, some one whom he had delegated for the purpose had gone to the place, and had told the peasantry how miserable they were, and left at each cottage a parcel of pamphlets, sent out by the Anti-Corn-law League, and this had created considerable alarm in the neighbourhood. Now, because his park was not in exact accordance with those lordly and stately manufacturers, who built up walls round their residences, to prevent any prying eye from breaking on their privacy—and because he preferred the seclusion of a quiet and rural village to this stately loneliness, he did not see any reason why these persons should go down to create ill-feeling in his neighbourhood. He must complain that the inhabitants of this quiet peaceful village should be molested in this way by the proceedings of a body of which the hon. Member for Stockport was a member — if the hon. Member himself was not the person who went thither—for it was beyond all doubt that persons from the Anti-Corn-law League did go from cottage to cottage throughout the village, and endeavoured to excite discontent. To prevent any charge of secresy, he had stated what was paid in this village to the labourers, and he could go into much further detail if it were necessary; or if the hon. Member for Stockport required more letters from tenants on his estate, on this subject, he should have them. He might here add, however, that if the hon. Member for Stockport had not better grounds for his charges on this point than any he had hitherto given, he (Mr. Bankes) should feel himself justified in applying stronger terms to his conduct than he had hitherto applied. He would refer to another communication which he had received from a tenant on his property, on the subject of wages. This person occupied a farm of three hundred acres, and employed seven labourers. The three principal of them were threshers, and earned 10*s.* a-week; the shepherds 9*s.* a-week; and the carters 8*s.*; while they were each allowed to obtain corn at 6*s.* the bushel; and the shepherds also received 2*l.* extra during the lambing season. The hon. Member had employed an agent to obtain information on this subject. [Mr. *Cobden:* I told the hon. Member so.] He did not think that such an interruption was justifiable. He did not think that such proceedings were suitable in the society of the House of Commons; and, however much it might be adapted to the habits of the society of which the hon. Member for Stockport was a member, it was not customary in that House. He should speak to the hon. Member as a Member of Parliament, and in such a manner as the hon. Member had a right to expect from him as the representative of an important community, and also from that common courtesy which was in conformity with the usages of that House. He would here revert to the subject he was speaking on. The whole of the villagers had the privilege of cutting as much turf for firing as they chose, and this was no trifling advantage, as it made a most excellent fire: indeed so good, that he preferred it himself to a coal fire. Again, the whole of the labourers on his property in that part of the country occupied cottages rent free. Now he admitted, that to a person going from the manufacturing districts, or from the environs of the metropolis, these cottages might not appear the most desirable kind of residences, but it should be recollected, that the cottages were very often regarded as the property of those who occupied them, and that they went down in the same families from father to son for generations, and if any attempt was made to interfere with them, it might be attended with great mischief. In the next parish to his own resided the occupier of a large farm, who had addressed a letter to him on the subject of the observations which the hon. Member for Stockport had been pleased to make respecting the condition of the Dorsetshire labourers; but as this letter had been published in the newspapers, he did not know that it would be necessary for him to read it. The farmers of Dorsetshire were so pleased with this letter, that they had had it printed; but the title which they had affixed to it was so offensive, that he would not give it; but it was considered in his neighbourhood as a most able and correct answer to the statements and allegations put forth by the Anti-Corn-law League. The person who wrote this paper signed his name to it, which was Thomas Hunt, and he was well known in the country as a good farmer and a man of very considerable talent and information. He stated in this letter that the statements which had been made by the hon. Member for Stockport as to the condition of the labourers on his (Mr. Bankes's) estate, were decidedly the reverse of the fact. He went on to say that he occupied a farm of 600 acres, within two miles of the residence of the hon. Member for Dorsetshire, and that he was well acquainted with the situation of the labouring classes, and that he could deny that they received less wages than other labourers. Taking them throughout none received less than 8*s.* a week, and in addition they occupied cottages rent free, and each had a portion of land for potatoes, which was ploughed for them without charge. They also were enabled to purchase corn at 6*s.* a bushel, whatever the price might be in the market. This was with reference to the wages paid to labourers in constant employ; but those who were engaged at piece-work obtained great additional advantages. He would not go into further statements on this part of the subject, unless he was called upon to do so by the hon. Member for Stockport. Another charge which was made respecting the labourers on his estate by the hon. Member for Stockport was, that the labourers not only were the worst paid, but that they were the most neglected in the neighbourhood, both in point of clothing and medicine, and that they were the most ignorant. Now, if he felt a difficulty in speaking on the former charge, that difficulty was greatly increased when such an accusation as that just made, was brought forward. He was as fully sensible as any one could be of the bounden duty of those who possessed the means, and when placed in the relative situation in which be was with respect to these persons, to devote any superfluities that he might be possessed of to the alleviation of the condition, and to the promotion of the best interests of those with whom he was thus connected. He was fully aware that if our charity lost all its grace, it was when the bestower chose to make known his bounty; but he trusted that the House, under the peculiar circumstances in which he was placed, and after the charge which had been made against him, would allow him to say a few words in explanation. He could assure hon. Members that nothing should have induced him to have uttered a word on the subject, had he not felt himself imperatively called upon to do so by the observations which had fallen from the hon. Member for Stockport. He would state to the House what happened last autumn; and he could assure it that it took place, not from any contemplated attack on him by the hon. Member for Stockport or the Anti-Corn-law League, for at that period nothing had occurred which could lead him to believe that any attack would be made on him. In November, he left an estate on which he was stopping, and went to the place where the principal part of his property was situated, and he did so because he believed that an early and severe winter was about to set in, and he was anxious to be on the spot to superintend the distribution of relief to the poor in his neighbourhood. Immediately on his arrival on his property, he desired his steward to prepare lists of every poor person, and of every poor child on his estate. He was greatly pleased to receive such a list on the next morning from his steward, who had prepared it in anticipation. Immediately after this, every one of these poor persons was relieved by the ladies of his family, who went personally round to relieve them. Now, if in the month of January, when the hon. Member's spies and informers visited his estate, the clothing of the poor in his neighbourhood was in so bad a condition, it was greatly to the discredit of Manchester, because it chiefly came from that place. At the same time he must add, that it did not follow that he followed the maxim of the Gentlemen opposite, and bought at the cheapest market, but the various articles required were bought of the small traders in the country towns, who, he conceived, had a right to look for a proper share of patronage from those who lived in their neighbourhood. If the hon. Member pleased, he would place a list of the articles so purchased and distributed in the hands of the hon. Member—he would not state the amount thus given away; but he might observe, that the number of those who did so obtain relief was not far short of some hundreds. As to what the hon. Member said, as to these labourers being the worst educated in the country, he could only say, that if the person who sent such an account from his district, made any such statement, that person must have perverted the truth or concealed it, for great efforts had been made for a long time for the purpose of promoting education in his neighbourhood. He held in his hand the list of the subscribers to two schools on his property, and at the head of one of them was the name of the individual whose duty it chiefly was to support it, who was a subscriber for 250*l.*; now this certainly could not be said to be given as a county Member. In the next place, it was stated that the same individual had lent the further sum of 500*l.* without the payment of interest, to the building fund of the school, and this without the slightest prospect of return. He might say, that nearly the same circumstances were connected with the other school. He would only add, that he was an annual subscriber to six schools in that neighbourhood. There was a seventh; but that it might be said he subscribed to as one of the county Members. He was extremely reluctant to mention these circumstances, but they were almost extorted from him. He did not pretend to say that, in what he had mentioned, he had even done his duty, or that he was perfectly satisfied; but he repelled the charge of the hon. Member for Stockport, that the peasantry of his neighbourhood were grossly ignorant, and that nothing had been done for the promotion of education amongst them. But was it to be borne that even if the peasantry were in a state of ignorance greater than was to be met with in other districts, that any member of this society which had so much agitated the country, should make a charge of this kind, heavy and severe as he should have felt it to be if it had been in any degree true? It had struck him with some surprise that, subsequent to the former debate, when large bodies of persons thought it fit or necessary to congratulate the hon. Member for Stockport as to the figure which he had displayed in that House, and on the impression which he had made, that it was rather infelicitous that the first ground of congratulation to the hon. Member was on his stern regard to justice. Was it, he would ask, from a stern regard to justice that the hon. Member proceeded to censure before he collected even the evidence? Was such a proceeding consistent with any equitable or Christian feeling, or was it a way in which the debates should be carried on in that House, involving such serious charges against the characters of individuals? If such were the hon. Member's notions of a stern sense of justice, he hoped that it was a description of justice with which he should not often be brought into contact. He hoped that he had now said sufficient to vindicate himself from the mistakes into which the hon. Member had fallen, for still he should feel himself bound to suppose them to be such. He begged, however, once more to guard the House from supposing that in what he had done he claimed any merit to himself; for all that he wished to show was, that the labourers in his part of the country were not precisely in the situation in which they had been described to be, or that they were worse educated than in the surrounding districts. He did not, however, pretend to say that they were in a better condition than in other parts. He had been told that in some parts of the county wages were higher than in his neighbourhood: he hoped that this was the case, and that they would continue high. He flattered himself that he had now sufficiently disposed of all these charges; but there were still a few other points with respect to which he wished to make some observations. As for the line of conduct taken by the hon. Member for Stockport, who had been elected by a large constituency, and who was distinguished for his eminent talent, he would only say that he felt called upon to give an answer to all the questions which applied to the situation of his property, There was one question which the hon. Member, however, had put to him, which he did not think was altogether fair, he meant when the hon. Member asked him what he would say at the next agricultural dinner at Blandford. In reply, however, he would observe that he could not exactly tell, for the hon. Member for Stockport might be there himself. The hon. Member had said in his speech on the former occasion, that at the next dinner one black sheep would be there, and he had told the House what he would say. Now he would just state what he would say in answer, if the hon. Gentleman did make his promised observation. The hon. Member had alluded to what he said about the sun gilding the spire of the church, and the dome of the palace, and the thatch of the cottage; and the hon. Member added, that the black sheep he alluded to would get up and add, that it also shone on the chimney of the landlord. Now, if he heard any such observation at that dinner from the hon. Member, he would say yes, and the factory chimney too—that tall, gawky, ugly chimney, which poured forth volumes of smoke — that chimney to which might appropriately be applied the lines,—

> "The 'tasteless' column pointing to the skies,
> Like a tall bully lifts its head and lies."

It might be his duty, as chairman of that dinner, to propose a health. He might have to say he had to propose a toast in honour of a distinguished individual who was present, and who was no personal friend of his, but as he was the son of a farmer, and was descended from a long line of Sussex yeomanry, he came among them in sheep's clothing. The hon. Member had also said that he would put the agriculturists on their defence, and should call upon them to show the benefit which protection had conferred on agriculture. His answer was, that protection had brought thousands and thousands of acres into cultivation, which never could have taken place but for protection, and the labourers who tilled it, therefore, never could have been employed. The culture and enclosure of waste land had been going on rapidly for years, until the present check was put upon it, and until means were found of inspiriting the agriculturists with confidence, a stop would be put to its progress. He recollected travelling from his father's house to London, which was about 100 miles, at a time when there was forty miles of waste land to be seen, and now there was not ten miles. No land could have formerly looked more unpromising and more hopeless than this land in Dorsetshire, Hampshire, and Surrey, but in travelling this road now, it would be seen that villages had sprung up, and thousands of husbandmen were employed on it. If the hon. Member had been in Dorsetshire, he must have been much struck with surprise at the desolate state of some of the land on the entrance of that county, but it was not worse than much of that now under profitable cultivation. In the union in which he lived, he knew that a few weeks ago there was not a single able-bodied labourer on the rates, and this was the effect of the enclosure of waste lands, which it was the object of the hon. Member for Sheffield's motion to put a stop to. To-morrow night that dangerous body the Anti-Corn-law League were to remove to a larger scale of agitation, and were to appear at the first theatre of the town. On that occasion, the hon. Member for Stockport was to take his benefit, and was to be the lion of the show. He wished to call the attention of the Chancellor of the Exchequer to the money collected by this body. He should like to know where it was lodged, as it would enable the Chancellor of the Exchequer to apply for the income-tax. They were told, that this year the fund collected was 50,000*l.*, and next year it would be 100,000*l.* which, taken at the medium of the two years would give 75,000*l.* to be rated to the tax. With respect to associations generally, he would not give any opinion of his own, but would refer to some expressions which he found on the subject in a debate which took place in 1825. The first quotation was—

> "The House would bear in mind that this association, though a public body, differed from most public meetings in this point—that they were all of one mind. There was no competition of opinion; no opposing voice was heard. Every speech was previously arranged, and every decision was unanimous. Indeed, if any unhappy adversary had the hardihood to present himself, he would most probably get a reception which would prevent any repetition. Formed as such a body was, there was a danger in the indefinite qualities of its constituency, and in its indefinite duration. Under different circumstances, the fickleness of the multitude might operate as a

check to the probable evil results of such an association; but he was compelled, with regret, to say, that a most influential body, whose duty it was to impart religious consolation, and to keep themselves apart from political contention, not only encouraged, but assumed a part of its powers. Next, in upholding that association were to be found men of disappointed ambition and considerable talents, who exerted themselves, no matter whether on real or imaginary grievances, in exciting the public feeling against the Government; and in inflaming the population against the laws, and what they described a prodigal and corrupt administration of them."

And again, subsequently was the following passage:—

Now, he thought that no man who understood the constitution of the country, could contemplate the levying of money upon his Majesty's subjects by an irresponsible body, to be applied to objects not previously defined, but at the discretion of the self-constituted authority by which such money was called for, with any other feeling than that of unequivocal disapprobation."

This was the language of his right hon. Friend, the present Chancellor of the Exchequer, in introducing the bill against illegal associations in Ireland. The next opinion he should quote was that of the right hon. Baronet now at the head of the Government:—

"He would first notice an argument that had been made use of, in the course of this discussion, by an hon. Member, the effect of which, if it were well founded, would be to take away from Government, or from Parliament rather, all right of interference in the case of associations that might be deemed illegal. The hon. Gentleman had expressly said, 'he would not vindicate the acts of the Catholic Association; he thought them to be, in many respects, indefensible, and he could not stand forward as their advocate.' But still that hon. Gentleman conceived, that the hands of the House were tied up—that these people laboured under such a grievance, as took from the House all right of interference with their proceedings; those proceedings being admitted, by the hon. Gentleman himself, to be indefensible. Why, if this were so, there was an end of all their deliberations in that House, on this or any other subject. If that doctrine was to prevail, it must follow that the subjects of this country, if they should imagine themselves to be suffering under a grievance of this or any other kind, might resort to unconstitutional measures for their redress; which measures, however, Parliament could not interpose to check, until those grievances should have been first removed. Now, he maintained, that from the moment Parliament recognised such a doctrine as this, they would abdicate their legislative functions altogether. It seemed necessary to approach this argument in the first place, before he proceeded to any other observations; for if the principle were once accepted, where was its application to terminate? Where were these associations to end? There were many persons who considered the representation of the people in Parliament to be so bad and imperfect, that a large portion of the people were deprived of their rights. Now, that might be considered a grievance, and a grievance of a very heavy kind; and, if the argument he had alluded to was to be admitted, why might not the country expect an association for the purpose of obtaining Parliamentary reform. [*Cries of* "Hear, hear."] What would be the consequence of such a system he knew not; but he called upon the hon. Gentlemen, who expressed by their cheers their willingness to have such associations, that if they admitted the principle in one case, they must expect associations for the removal of every real or supposed grievance; and if Parliament should afterwards think of putting an end to them, the answer would be, that the subjects of the country, and not its Legislature, were the proper judges of those grievances, and of the propriety of the measures to be taken to redress them. That, however, was not his reading of the law. He conceived Parliament to be the sole constitutional judge of these matters, and if the Parliament thought a law ought to be continued, those who fancied themselves aggrieved by it must not resort to unconstitutional measures to procure its abolition. They might petition—they might represent their grievances to Parliament, and their petitions and representations would be taken into consideration: but Parliament would abandon its duty, if it allowed any body of men to act independently of its authority, and only according to their own free pleasure."

These were the words of the right hon Member for Tamworth in 1825, and they exactly described the association now in question [*Cheers*]. The noble Member for Sunderland cheered; in reference, perhaps, to the circumstance that the association thus censured by Parliament in 1825 did in the end succeed. He would beg, then, to recall the recollection of the House to another association, which did not succeed in the end, though it produced great excitement and popular commotion in its progress. In 1778, there was another association—not a Catholic but a Protestant association, which consisted of amiable and religious persons, but attracted little observation until it chose Lord George Gordon as its head. In 1779 they directed their attention to the repeal of a particular law, and they chose Lord George Gordon as their head—according to the account given of the matter by Mr. Kenyon, afterwards the Lord Chief Justice—because they thought that as he was a man of high character, of blameless life and conversation, of moral and religious habits, their having him at their head would give weight to their deliberations; and if he carried their representations to the foot of the Throne, he was sure to be attended to. The transactions of 1780 he need not particularise. The course which that society pursued was to meet at different large halls within the metropolis —Coachmakers' Hall being their chief place of meeting; but it never occurred to them that it would be legal for that purpose to hire a theatre—they never hired Drury-lane Theatre for their meeting—but when they became too numerous for the size of their buildings, they met in the open air, in St. George's Fields, and the reasons for which they met were remarkable. The resolution appointing that meeting was as follows :—

"Resolved—That this association do meet on Friday next, the 12th of July, to consider the most prudent and respectful manner of attending their petition, which is to be presented on that day to the House of Commons."

That was very different from the tone adopted by the Anti Corn-law League. The results were but too well known ; the Solicitor-general, at the subsequent trial of the rioters, stated that during a considerable part of that afternoon there was not one of the Members in that House who could feel confident that he would leave the House alive. The Lords and the Bishops were also attacked. In the night, some of the Catholic chapels were attacked. Still the Government did nothing. On the Saturday all seemed to be quiet, and the Government almost congratulated itself that it had done nothing. On Sunday, however, it broke out again, and for a week from that time the whole of the metropolis was in the hands of the mob. The King was in his palace; the Commander-in-Chief was at Whitehall ; but the only man, he believed, who showed any personal courage, and even common prudence, on that occasion, was the Sovereign, whom the Anti Corn-law League described in one of their papers as "Stupid George the Third." The Anti Corn-law League was pursuing the same course now, which had been pursued by the Association of 1778 in its outset ; meeting in large rooms, and collecting petitions to be brought with great effect before the House; but the present association was certainly going much beyond that of 1778, in thus announcing a public meeting in a public theatre. He would put it to the House and to the Government, whether this was not a subject fit for the consideration of Parliament, seeing, as they did, that from day to day some new attempt was made, some new expedient for getting up public interest and public excitement. Public excitement was what the League professedly and publicly desired ; their complaint was, that hitherto they had not been able to produce this excitement; and, accordingly, first one scheme and then another was resorted to, and now they were about to try a public theatre. One thing was quite certain, that until they had produced it, they would not come before the House practically with a proposition as to the Corn-laws. It was the absence of the required excitement that had occasioned the postponement of the hon. Member for Dumfries' notice ; it was this that had caused the postponement of the hon. Member for Wolverhampton's motion on the Corn-laws ; for the League were conscious that at this moment there was no feeling in unison with theirs throughout the metropolis, and very little throughout the country at large. He could not refrain from humbly submitting to his right hon. Friends that this was a matter not unworthy of their consideration, and as far as regarded the subject publicly, he was quite content to leave it entirely to their opinion. As to matters affecting those who, like himself, desired to live quietly and safely among their tenantry in the country, the Ministry had not the power of knowing, as he and other gentlemen in the country had, the enormous extent of mischief which might be produced—which was attempted to be produced, at this present time, by the emissaries of this League. He did not complain that the emissaries of this League, in his own neighbourhood, had endeavoured to shake any influence he might have there, or taken steps to prevent, if possible, his future return. He cared not for that, and he would further tell the hon. Member for Stockport, that if he could influence public opinion against Gentlemen who differed from him, there was no seat so much in danger as his (Mr. Bankes') own ; for his seat depended entirely on public opinion, and he desired to retain it only so long as public opinion went with him. He had no reason to seek for any Ministerial support in the county which he represented; but he looked to Ministers for the peace of his private life—for the comfort, happiness, and welfare of the peasantry who lived around him. He looked to them to drive away, by some means or other, this new mode of sending emissaries throughout the country, paid emissaries; for such were avowed and boasted of by the hon. Member for Stockport. It was of this he complained; and it was from this he intreated the Government to protect the country; as one of their fellow citizens, as a faithful and dutiful subject of the Crown, he asked, he besought, he demanded this at the hands of her Majesty's Ministers. The hon. Member concluded by moving,

> "That it is expedient, as a remedy for a state of anxiety, embarrassing and unfair to the agriculturists, and injurious to commerce, that the attention of this House be directed to the continued existence of associations, which, in matters affecting agriculture and commerce, pretend to influence the deliberations of the Legislature, and which, by their combination and by their proceedings, are at once dangerous to the public peace, and inconsistent with the spirit of the constitution."

Mr. *Cobden* was very sorry that for a single moment, he should divert the attention of the House from a question of paramount importance to one which bore much of a personal character. The hon. Gentleman who had just sat down, had totally misunderstood him, if he thought for one moment, that he (Mr. Cobden) was so bad a tactician, even were he not restrained by a sense of justice, as to make this great national question a mere vehicle for personal altercation. He had told the hon. Member for Dorsetshire what the labourers in his county—what the labourers, indeed, on the hon. Gentleman's own estates there—were paid; but he had not charged him with giving them less wages than other people did. Did the hon. Gentleman suppose, that they who employed labourers could give what wages they pleased? He had heard such a doctrine at agricultural dinners from those who were occupying the chair, but in the part of the country from which he came, such a doctrine would not be listened to for an instant; it was not there imagined, that those who lived on the profits of labour had the power of dispensing to their labourers just what amount they pleased. He had meant no attack personally on the hon. Member; but when hon. Gentlemen came down to the House to support laws which they had passed professedly for the benefit of the labourers on their estates, and of the whole class of agricultural labourers, he and those who thought with him, had a right to tell these hon. Gentlemen and the country at large, that these labourers were, in point of fact, getting less wages than were being paid in the manufacturing districts, for the same amount of labour. It was not the hon. Gentleman he had attacked; it was not him he spoke against; it was the system supported by the hon. Gentleman which he assailed, and upon which he charged the great evil that the agricultural labourers were not better paid than they were. It was this system which was destroying the trade of the seaport towns, for instance, in which the men of Dorsetshire were immediately interested. There was Poole, which might be a flourishing seaport town, and ought to be so, and which, f it were so, might give greatly increased impetus to the agricultural industry of the country, how had its trade been injured by the operation of this miserable law, and how had Dorsetshire itself, altogether, which, from its superior maritime position, ought, under a proper state of things, to be one of the most flourishing counties in England, suffered from this same law? As to the declaration of the hon. Gentleman respecting wages, he was sorry the hon. Gentleman had not told the House something on his own authority. Why had not the hon. Gentleman, if he would persist in making this a personal matter, told the House, on his personal authority, what wages were actually paid on his own estates! But no; the hon. Gentleman had read various letters, telling them what was paid for certain descriptions of labour; now he was, as the hon. Gentleman had observed, a farmer's son, and he knew that it was a most fallacious thing to rely upon what particular men were earning in particular places, under particular circumstances. What they wanted to know from the hon. Member for Dorset was, what were the average wages of labourers in Dorsetshire? and, in the absence of information from the hon. Gentleman, he would now state to him, and to the House, and to the country, that in what he had said some time ago, as to the payment of labour in Dorsetshire, he had overstated the real amount; for, whereas he had said, that the average of wages was 8*s.* a-week, he had since been informed, on the best authority, that wages there varied between 6*s.* and 8*s.* a-week, for able-bodied labourers; the average being not 8*s.* but 7*s.* a week, the year through. This he stated in the face of the House and of the country; and were he disposed to deal with the hon. Gentleman personally, he could tell him that he had documents in his pocket on which he could rely, that would show that there was a district on the hon. Gentleman's own estates in a condition very different from anything he had described to the House. He could show, that people there were living in huts more like rabbit-holes than houses, that these huts had been complained of by the surgeon of the union in which they were situated; that there had been remonstrances against them, as being calculated to produce diseases, and to injure the public health, but that notwithstanding all this, they had not been removed or altered. He spoke of a district in the Isle of Purbeck, with which no doubt the hon. Gentleman was acquainted. The hon. Gentleman spoke of him in connection with Dorsetshire; he had not been in the county yet, but he had received a great many communications from thence, differing widely from what the hon. Gentleman had told the House. There was, at all events, one fact, standing unimpeached on official authority which the hon. Gentleman had not grappled with—namely, that, in Dorsetshire, one out of every seven of the whole population was a pauper. This the House had on Parliamentary evidence. How, then, could the hon. Gentleman get up and read letters from farmers here and there, setting forth that there was no want of employment, and that no man who chose to work, but might have employment? How, with such facts staring them in the face, could hon. Gentlemen come down to the House and advocate the Corn-laws as a benefit to the labourers? How could they, with their own estates in such a condition, seek to maintain a law which, while it ruined the manufacturing interests of the country, threw one out of every seven in an agricultural population into a state of absolute pauperism, and gave the rest 7*s.* a-week as wages? The hon. Member, after waiting three weeks, had given in his conned speech, but a very poor answer to the opponents of the Corn-laws: his dull jokes about chimnies were but a sorry answer to facts. The hon. Gentleman had made it a charge against him, that he sent emissaries into the hon. Gentleman's own district. It was difficult to know how to deal with the hon. Gentleman. One moment he quarrelled with the League for wishing to make a public demonstration in the metropolis, in Drury-lane theatre, which did not suit the hon. Gentleman, as being a violent proceeding; and the moment after, he quarrelled with the League equally for sending quiet, solitary individuals into the country districts, to distribute printed tracts. As to the meeting in Drury-lane, he had to thank the hon. Gentleman for having so efficiently advertised it. And he would promise, the hon. Gentleman, in return, that if he would condescend to come and look at them, with any of his Friends who had been cheering him on that night, they should have, not, perhaps, the Queen's box—for that might be shut up, but any other public one that could be obtained; and he was sure that any Leaguer who might have a previous claim would willingly resign it in favour of the hon. Gentlemen. As to the question before the House. The hon. Member for Sheffield had brought forward this motion for the purpose of giving hon. Gentlemen opposite the opportunity of explaining to the public what were those exclusive and heavy burdens which the land bore, and for which the whole of the population were called upon to support the bread-tax. One objection to the proposed committee had been assigned by the hon. Gentleman opposite; he said, that if the committee were granted it might produce an impression in the country that the Corn-laws were going to be altered, and, therefore, for that was what it amounted to, he would not attempt to justify the Corn-laws at all! What the objections might be which hon. Gentlemen opposite and the Ministry had to the question, he did not pretend to say, and, to speak honestly, he was very indifferent about the matter. The country at large looked at these things in a broad and intelligent way, and when the people saw that this motion had been brought forward on such able grounds as had been set forth by the hon. Member for Sheffield, when they saw he had substantiated his case in so clear and unanswerable a manner, and when they found that hon. Gentlemen opposite refused this reasonable challenge, they would at once decide that the men who refused it knew that they could not refute the charges to be made and proved against the law in committee. What other objection was there to going into the committee? There was no business, that he was aware of, before the House of any sort of importance; nay, he had heard it whispered, that already Government wished to get rid of them altogether, and for his part, he should not be surprised at the Government, when they had got all the money they wanted, sending them all about their business any time after Easter. There was nothing at all for the House to do which could interfere with this committee. The Somnauth discussion, which the country did not care at all about, was now over, and left no sort of excuse for them. No, no; depend upon it, if the supporters of this law felt they had anything of a case, there was nothing which would more delight them than to bring forward that case now, when so heavy a suspicion had fixed itself in men's minds against them—there was nothing would so delight them as to come before the honest, truth-loving, fair-dealing people of this country, who were generally becoming convinced that they had not been fairly dealt with by their legislators, and prove to them, if they could, that they had been honestly treated. But did they think they should escape the public condemnation? Did they think that any amount of sophistry, come from what quarter it might, would protect them from that censure and indignation at the hands of the country which they so richly merited? The hon. Member for Sheffield had brought forward this question so fully and so ably, that he had left nothing for him to add on the subject. As to the Anti-Corn-law League, he hoped that no hon. Gentleman would think it worth his while to defend the League from the attack of the hon. Member for Dorset. On the contrary, he was much obliged to the hon. Gentleman for what he had said about it; and when they had had a little more of the kind of attack which they had had lately — when they had been charged with a few more crimes, a few more sins; and these charges were attended with the same reaction, of which reaction public men should always have a wholesome dread — there was no doubt the League would really be as powerful as it had been described to be. After all, what was this League? They might call it what they pleased, but it was nothing more than the organisation of public opinion — men rushing together to protect themselves from a common wrong, not by violence not by brute force, but by that which hon. Gentlemen opposite more dreaded — intelligence. Their system was the offspring of short-sighted ignorance, and the League would pull it down by knowledge. It wanted no other means than those quiet missionaries, those tracts that were sent throughout the country to overturn the system; and it was because every freeholder in Dorsetshire had got a budget of those tracts, that the ire of the hon. Gentleman had been so much excited; that was the secret of all the indignation he had directed against the League. The hon. Gentleman was quite welcome to entertain his feelings of indignation. He expected in every county to be made the object of similar attacks. Like the dashing of the water against the bows of a vessel, it showed the progress they were making. The public would not be satisfied that the League were expending the 50,000*l.* to advantage if hon. Members did not make an outcry. He should have to-morrow many additional subscriptions sent in, as a reward for the manner in which they had succeeded in exciting the hon. Member for Dorsetshire. He assured the hon. Gentleman that the farmers were taking the most lively interest in this question. Yesterday he spent a most delightful evening at Southampton, where a large deputation attended from Portsmouth and Gosport, and a great many farmers who came from a distance of between thirty and forty miles, who dared not attend such meetings in their own districts, were present to hear him. He assured the hon. Member for Bridport that he would shortly be in Dorsetshire. He had already fixed for Taunton, and he had no doubt he should have the half of Somersetshire to listen to him. This was the way to carry any public question in England. It was not by hiring people to appear in false colours, as the party opposite had done,—hiring poor abject men to assume the character which did not belong to them, for the purpose of defending their starvation code. He had proofs against the party opposite; they had been going on in an under-hand mole-like manner. Hon. Gentlemen might fancy they had something wherewith to threaten the League in their blue books; he had a green bag against them. Yes, he could bring some facts that would startle them. He had facts that would implicate some of the highest in rank in this country for lending themselves to a system bordering as near as possible on assisting the mob in downright force and violence. But the League repudiated all such means, they never resorted to them. Their course was to get as many electors about them as possible; they looked out for the most influential audience they could find, and when collected together they always managed to convince them, which was more, he believed, than the hon. Member for Dorsetshire could say. Having upon this occasion satisfied the hon. Gentleman that he was not at all displeased with the attack which had been made upon him, and disavowing, as he did most sincerely, having had the folly to charge upon him individually all the evils of a system which the hon. Member upheld in ignorance, he would leave the merits of the question on the arguments adduced by his hon. Friend the mover of this resolution.

Mr. *Wykeham Martin*: Sir, I am anxious, before the time arrives at which those who are more in the habit of addressing the House are accustomed to rise, to make a few observations on some points in the Speech of the hon. Member for Sheffield, which has reference to a subject which has accidentally come very prominently under my notice. I mean the Poor-rates. The hon. Member seems to think that when he has shewn that the land bears a certain proportion of that burthen, and the house property another proportion, he has fully stated the whole case between the landed and the commercial portions of the community. But I think I shall be able to shew, even to the hon. Member himself, that the case is widely different. It appears to be his idea, and that of many other persons, that there are two great interests in the country—the landed and the commercial—and that justice will be done if each of these bears the half of whatever burthens may be imposed in the way of taxation. But it will, I think, be found, that whether we take the test of population, or whether we take the test of property, the landed interest do not constitute more than one third of the community, and that therefore one third, and not the half is their share of the national burthens. It is perfectly true, as he has said, that the house property, does bear a considerable share of the burthen of the Poor-rate—in fact the house property and the landed property between them, bear the whole of that burthen. But there is an immense mass of property besides these which bears no part of the burthen whatever. If we take the estimate made by the right hon. Baronet, the Member for Tamworth, for the income-tax, we shall find that the landed interest is estimated at 39,400,000*l.*; tithes at 3,500,000*l.*; and mines at 1,500,000*l.*; making together 44,000,000*l.*; but the railroads, canals, &c., are stated at 3,429,000*l.*, and the houses at 25,000,000*l.*, making in the whole 72,829,000*l.* Whilst, on the other hand the funds are 30,000,000*l.*, the income from trades 56,000,000*l.*, that from public offices, &c., 7,000,000*l.*, and the tenants rents 26,000,000*l.*, making in all 119,000,000*l.*, without saying anything of mortgages, which do not contribute one farthing towards rates of any kind. We may further illustrate this by taking as an instance the case of a person who derives an income of 5,000*l.* a year from land, and one who has the same sum in the funds. The landowner, through his tenants, is taxed to the rates for every farthing of his income. The fundholder probably lives in a house rated at 300*l.* a year. The landowner, at 2*s.* in the pound, pays 500*l.* a year to the rates. The fundholder, at 2*s.* in the pound, pays 30*l.*; and a difference of this kind will be found to run throughout the whole. And further, it is not upon the landed interest generally, but upon the property of the owners of land that this tax falls, viz., upon the 44,000,000*l.*, exclusive of the rents of the tenants, and therefore the property so taxed will be found to be something less than a third and more than a fourth of the whole income of the country. The hon. Member quoted some returns signed by Mr. Rowbotham and he appears to have made a mistake in stating the results. He said that the whole amount paid in a series of years amounted to about 404,000,000*l.*, that the landed property had paid somewhat more than 200,000,000*l*., and the house property about 150,000,000*l*. and that the house property had paid rather more than half the whole amount paid. He must have intended to say, though, if I caught his words correctly; he did not say it, that the house property paid more than half of the amount paid by the land. I think probably that this was about the correct proportion, but we must not forget the immense mass of property before specified which pays no rates at all. The hon. Member also laid great stress upon the amount paid by the monied interest as legacy and probate duty. But he omitted to state that the land pays a large amount upon transfers in the shape of a stamp duty upon deeds. In the year 1838, the duty upon deeds was 1,452,334*l*. In 1839 it was 1,482,651*l*. In 1838 the duty on legacies and probates together was 2,079,894*l*. In 1839 it was 1,890,539*l*. In 1841 the duty on deeds was about the same sum, viz. 1,476,737*l*., and, on the other, 2,024,671*l*. Now, if we try these amounts by the test specified above, viz. that the proportion of the land should be one third, I think that even on this—the strong point of the hon. Member for Sheffield—the two interests will stand very fairly. I am perfectly aware that a portion of the duty on deeds is levied on commercial deeds. [" Hear," *from Mr. Williams.*] But the hon. Member for Coventry will find that leasehold property in land, and the portions of younger children charged on land, are subject to the legacy and probate duties; and if we set off these last against the commercial portion of the stamp duty on deeds, which I think we may fairly do, the proportion will still continue much the same. I have also to request the attention of the House to the observations of the hon. Member for Sheffield on the subject of the land-tax. He asserts that that impost was a substitute for the burthen of the feudal tenures. Now, that assertion was made in this House last Session, and, in the interval, I have made it my business to refer to the Act of Charles 2nd, by which the feudal tenures were abolished, and to that of William and Mary, by which the land-tax was imposed. The hon. Member was quite correct in saying that the excise and not the land-tax was the substitute that was imposed by the Act of Charles 2nd. And the reason assigned in the preamble of the act is not such as it has been represented to be, but " because those tenures, &c. has been found by experience much more burdensome, grievous, and prejudicial to the kingdom than they have been beneficial to the King." And doubtless they were a burthen to all ther classes as well as to the land; for the towns themselves, when the feudal system was in its full vigour, were obliged to pay contributions to the powerful persons in their neighbourhood for their protection. But the hon. Member ought to give to the landed interest in this case the benefit of the corresponding principle to that which he has applied against them in the case of tithes. He said, in that case, and he said justly, that there was no proprietor whose title to his property was so old as to be prior to the commencement of tithes; and that, therefore, we had no right to complain of tithes as a burthen. That we had bought or inherited or acquired our estates subject to that deduction, and that it was a portion of the property that we had never possessed. Now, in the same manner it might be said, that the landed proprietors of the present day had acquired their properties free from the feudal burthens. If inquiry were made it would be found that a very inconsiderable fraction of the landed interest could trace back the possession of their properties to the feudal times. Few could even date so far back as the act of 1660, when the feudal tenures were abolished by Charles 2nd; or rather to 1645, when they were abolished during the troubles; for the Act of Charles 2nd. was only a confirmation of what had been done during the Commonwealth. And the hon. Member must be aware, from his knowledge of history, that the feudal system was practically at an end, that it was extinguished and effete long before that time. But it has occurred to me at this moment to observe, that even with respect to those who could go back to the feudal times, the law had long established against them the same principle that they claimed against the Crown. The manors they had originally received had been granted out upon rents, which, though adequate at first, had become wholly different from their real value by the change of times; and yet the law allowed no charge of the rents upon copyhold tenures; though every one who knew anything of those tenures was aware how perfectly nominal were the quit rents by which they were still held. And as to the Act of William and Mary, in 1692, by which the land-tax was first imposed, the preamble had no allusion to the feudal tenures as the reason of its being enacted. On the contrary, it assigned a totally different reason. It ran thus:—

> "We your Majesty's most dutiful and loyal subjects the Commons assembled in Parliament, having seriously considered the great occasions which engage your Majesties to many extraordinary expenses for the necessary defence of your realms, and the prosecution of a vigorous war against France, have cheerfully and unanimously given and granted unto your Majesties the rates and assessments hereafter mentioned."

And after the statements which has been made, to the effect that that impost applied solely to the land, the House would probably be surprised to hear what the enactments of that statute really were. The second section imposes 24*s.* for every 100*l.* estate in ready moneys, debts, goods, wares, or merchandise, stock upon lands, goods used as household stuff, &c, which be it observed is a tax of 4*s.* in the pound upon money at an interest of 6 per cent. The third section imposes 4*s.* in the pound upon salaries, pay of officers, &c., and the fourth section imposes 4*s.* in the pound upon lands, tenements, mines, tithes, manors, &c. Thus it would seem that the act of 1692, instead of being a mere tax upon land is, as nearly as possible, a fac-simile of the income tax imposed in the last Session of Parliament. I have one more observation to make before I sit down. The argument of the hon. Member for Sheffield is evidently directed against the Corn-laws. Now I for one have never rested the defence of the Corn-laws upon the burthen borne by the land, but upon grounds of general policy. I believe that we have a fair right to expect the principle to be adopted in our case which has been universally recognised in all our legislation, namely, that when any change would occasion wide-spread misery and destitution amongst large masses by the disruption of the channel of employment, the rest of the community have either forgone the change altogether, or introduced it so gradually as to diminish or to obviate the misery likely to be occasioned by it. But admitting his principle for argument's sake, I think the calculations he has quoted from Mr. Deacon Hume, Mr. Macgregor, and others, as to the tax imposed on the manufacturing community by the enhancement of the price of corn, are very much overstated. It appears to me that the agriculturists and that portion of the manufacturers who depend upon the home market are one section of the body politic, and that their interests are identical. It matters not to that portion of the manufacturers whether they buy dear of the farmers and sell at a high price to them, or whether they buy cheap and sell cheap. Now the whole of this body pay as consumers their own share of the burthen caused by the augmented price of corn. It is therefore only the portion consumed by the exporting manufacturers that ought to be taken into the account; and if we take them and their dependants at 7,000,000 persons, consuming a quarter of corn each annually, and state the enhancement of the price by the protective duties at 10*s.* a quarter, we shall have about 3,500,000*l.* as the sum which they have to pay. I do not know what should be added for oatmeal and other kinds of corn, nor do I pretend to give these figures as an accurate representation of the results of the protective duties; but I do think that they are sufficiently near the truth to justify me in believing that the statements that have been made on this subject are erroneous in principle and very considerably exaggerated. I have only now to thank the house for the patience with which they have heard me.

Mr. *Williams* said, that the two hon. Members who had spoken on the other side, whose speeches he had attentively listened to, had not answered a single point of the arguments which had been brought before the House in support of the motion. His hon. Friend the Member for Sheffield, had stated the case so clearly and so fully, that he had left but little for any one else to say. If his arguments were capable of being answered, the hon. Member for Dorsetshire, and the hon. Member for Newport (Mr. W. Martin) would have answered them, but they had completely failed to show that the landed interest were subject to any peculiar burthens. The hon. Member for Newport had indeed started a new doctrine, and attempted to make it out that the landowners paid their share of the high prices caused by their own monopoly. [Mr. *W. Martin* had not said the landowners, but the landed interest, including the farmers and the labourers.] The hon. Gentleman had referred to the landed interest, and had endeavoured to show that they paid the tax caused by their own monopoly. Who, he would ask, occupied the larger portion of this metropolis? Who, but a population which lived chiefly on the produce of taxation? Including the Church revenues. [An hon. *Member*: and the Poor-rates.] He was coming to that—a large portion of the people of this metropolis lived on the 52,000,000*l.* of taxes, which were chiefly spent in the metropolis. The traders who occupied houses paid all rates and taxes, the same as the inhabitants of the agricultural districts. Looking at the returns laid on the Table last May, he affirmed that the whole landed property of the country was not assessed to more than 1,000,000*l.* above the dwelling houses. Again, the amount of the county and poor-rates was 6,300,000*l*; and of that sum the land paid only 200,000*l.* more than the dwelling houses. He could not see in those items any proof that the landed interest was more burthened than any other interest. The landed interest including the rich classes, had always had the power of levying taxes—and they had invariably taken care of themselves. He would refer to the mortgage duties as one instance. If a shopkeeper wanted to borrow 50*l.* to improve his shop—if he borrowed it on mortgage, he had to pay a duty of 20*s.*, but if a landowner borrowed ever so large a sum on mortgage, he paid only a duty of 25*l.* The highest mortgage duty was 25*l.* on all mortgage deeds for 20,000*l.* and upwards. He had heard of a great landowner who had mortgaged his estates to one of the great companies for 300,000*l.* and he had paid only 25*l.* while, if he had been taxed in the same proportion as the shopkeeper, who borrowed 50*l.* on mortgage, his tax would have amounted to 6,000*l.* The taxes on conveyancing which were said to be paid by the landed interest, were paid on the conveyance of houses, and were paid by the town people as well as the landowners. It was the case, too, that the tax on a conveyance of only 20*l.*, was 20*s.* while the highest tax of that kind levied on conveyance was 1,000*l.*, and an estate conveyed of the value of 1,000,000*l.* paid no higher duty than the sum of 1,000*l.* If they looked through the whole of the stamp duties they would find, that the same proportions as he had shown prevailed in all. With respect to the burthens borne by the land, he denied that tithes were a tax. They were a portion of the property of the soil appropriated to the clergy; they were public property, and could never be allowed to go to the landowners. Should even the voluntary principle be adopted, the landowners would not get the tithes, and if they hoped they would, he hoped that the Lord Chancellor would prrovide for their monomania in his new bill. He had looked at the general taxation of the empire, and divided it into four classes. Taking it at round numbers, it was in all about 51,500,000*l.* The first class, about 25,300,000*l.*, consisting of the taxes on British and foreign spirits, on malt, on corn, bricks, tiles, timber, &c., he contended was almost exclusively paid by the middle and working classes. The second class, amounting to 11,000,000*l.*, consisting of the taxes on sugar, molasses, coffee, &c., was paid in much larger proportions by the poor and middle class than the rich. The tax on sugar and molasses was 5,300,000*l.*, and the same duty was levied on the coarsest sugar, consumed by the poor man, as on the best refined sugar, consumed by the rich man. The poor paid in fact, from 50 to 70 per cent. more tax on the value of the article consumed than did the rich. The tax levied on tea amounted to 4,000,000*l.* and the poor man paid the same tax of 2*s.* 2*d.* on his tea, the price of which was 1*s.* or 1*s.* 2*d.* per lb., as the rich man paid on the tea which was selling at 4*s.* or 5*s.* per. lb. without duty The poor man, then, paid from four to five times as much tax in proportion to the value of the tea as the rich man. It was the same with coffee, the coarsest kind of which consumed by the poor, cost 100 per cent. less than the finest kinds consumed by the rich, but it paid an equal duty. On soap the poor man paid as heavy a tax on his common soap as the rich man paid for the finest scented soap, which was six or seven times as high priced. On all these articles, the landowners, in common with the other opulent classes, did not pay nearly as much taxation as was paid by the poor. The next class consisted of 12,000,000*l.*, the taxes on currants, silks, newspapers, paper, windows, &c. &c., was paid as much by the middle as the rich. The next class of 2,600,000*l.*, consisting of the land-tax, the auction duties, and some others, were principally paid by the opulent classes, including the landowners. That was the only class of taxes which fell almost exclusively on the rich, who having had the power, had always saved themselves, and threw the taxation on the industry of the country. He admitted that the opulent classes paid their share of the income-tax but the Prime Minister had found out that the taxes on articles of consumption and on labour had reached their highest point, and to that circumstance alone we were indebted for the income-tax. Nothing more could be obtained by taxing the working classes. Having said so much of the revenue, he would now turn to the expenditure. After deducting the half-pay and pensions of the private soldiers and sailors he found that at least 14,000,000*l.* per annum went to placemen and pensioners. Those sums were all in the gift of the Government, and were appropriated to the upper classes or to the rich class. Thus, while the middling and working classes paid the taxes, the opulent classes, including the landowners, who had great influence over the Government, expended and enjoyed them. If there were peculiar burthens on land, they were more than made up for by the amount of public money distributed amongst the aristocracy. The burthens imposed by the landed interest on the community were enormous. The average price of wheat in France for the last seven years was 50 or 60 per cent. lower than in this country. He thought the country ought to be made distinctly aware of the nature and amount of the charges on land, which served as an excuse for the Corn-laws, and would, therefore, support the motion.

Mr. *Wodehouse* said, that as the hon. Member for Sheffield had referred so particularly to him, he begged to offer a few words by way of reply. As he should vote against the motion, he would say that he was perfectly ready to meet the imputation of shrinking from inquiry. His opinion was, that the appointment of a committee of inquiry could lead to no good, and would only be made an arena for theoretical discussion without any practical result. He would say also, that whenever the hon. Member or any of his Friends should bring forward a motion for the repeal of the Corn-laws, he (Mr. Wodehouse) would meet it, as he always had met such motions, on the ground that if those laws were not defensible on general principles, they were not defensible at all. With respect to the burdens on land, if the calculations of Mr. Rowbotham were to be depended on, as he believed they were, he would assert that where landed property paid 1*l.* he defied the hon. Gentleman to show that commercial capital paid 10*d.* It ought to be remembered, too, that the accumulation of commercial capital of late years had been going on at a rate that was unparalleled in the history of the world. There was another consideration. That morning a new edition of Mr. Spackman's Tables, which were referred to by the right hon. Baronet at the head of the Government in his speech on the Income-tax, had come out, from which it appeared that while of the population of the United Kingdom there were 7-9ths dependent on agriculture, there were only 2-9ths dependent for their welfare on manufactures. Now, God forbid that the House should be indifferent to the happiness of the 5,000,000 in the one case; yet they ought not to forget the other 20,000,000, on the other hand, whose interests were dependent on agriculture, and with the care of whose interests they were equally charged.

Mr. *Cochrane* said he thought the House was much indebted to the hon. Member for Dorsetshire, for directing its attention to the conduct of the Anti Corn-law Association, and its influence upon the peace and interests of the country, was a question well worthy the attention of Parliament. The precedents of 1826 and 1829 might be cited, at which period two separate acts were passed to put down the Roman Catholic Association, and he could not bring himself to imagine that legislation was less necessary now than it was at that time, or that the proceedings of this Association were less violent than theirs. Putting out of view for a moment the immorality of such combinations, the pernicious doctrines promulgated, the treasonable speeches uttered, it behoved the House to remember that, in a military point of view, the results were much to be apprehended. There could not be a doubt that the machinery of such an association might be applied to insurrectionary purposes. The Irish rebellion was prepared through the medium of the Association of United Irishmen, for it contained within itself all the elements and discipline of war. Still he was not one of those who considered that all expressions of popular feeling were to be despised, and that all combinations and associations for the promotion of political objects were to be regarded in the same point of view; there had been conspiracies and insurrections against the established Government which must command respect, from the deep conscious feeling which called them into existence, however much he might lament the instruments made use of, and the use to which they were applied, he was by no means prepared to deny. We might lament the conduct of the Jacobites, the conspiracies which darkened the first half of the last century; but who could avoid sympathising with the devotion and the energy of those gallant spirits, who endured all, and sacrificed all, from a pure instinct of loyalty? All right-thinking men were opposed to the Roman Catholic Association, which sent its heralds of sedition into the remotest districts of Ireland; but the men so agitating at least preached a great principle, and the man who erred in judgment and made himself amenable by overt acts to the laws of his country, might yet stand acquitted to God and his own heart. But the association to which the attention of the House was now directed, what had it in common with the religious impulses of an earnest people? Without passion, then, but as a duty, he denounced such associations. He would not say that the League might not contain within it some men of good faith, who really had the welfare of their country at heart, while they were the mere tools of party or faction; but now that the leaders had been unmasked, let them leave to ignominy men who had not the courage to execute deeds which they dared to conceive—men to whom might well be applied the language of Sir James Mackintosh, in his character of Judge Jeffries—

> "He once had that reputation for boldness which many men preserve so long as they are personally safe by violence in their councils and their language—if he feared danger, at least he never feared shame, which much more frequently restrains the powerful."

It could not, surely, after the events of the last few weeks, be difficult to open the minds of men to the dangers which threatened them if these associations were not put down. If no other argument would be attended to, surely that of self-preservation must avail. "Oh," but men exclaim, "we must act with prudence." Prudence! Why prudence consisted in adopting means to ends, and in not weakly debating when energetic action was required. It was a sad thing to peruse the factory reports recently laid upon the Table; and to see what fearful masses of ignorance and misery existed in this country, upon which the leaguers could act. These great manufacturers created the evil under which we were suffering by over production, and then proposed to remedy it by the instrumentality of the very victims which their own avarice had called into existence. With them "increase of appetite grew with what it fed on." Instead of proportioning the supply to the demand, they appeared to imagine that the demand would always keep pace with the supply; and now finding themselves in a state of manufacturing plethora, they called for a repeal of the Corn-laws; not in order that the poor might have cheaper bread for they would take good care that the wages should be lowered in proportion to the fall of prices, but in order to find some outlet for their manufactures. Now in spite of his objection to holding out inducements for fresh speculation and increased excitement, he should still be happy if the present surplus could be got rid of; but the overthrow of the agricultural interest was too great a price to pay for such a boon. He admitted that England owed much to her manufacturing prosperity. He would even concur in the opinion of the hon. and learned Member for Bath, when he exclaimed

> "What was it broke the alliance between Alexander and Napoleon? Was it the force of British arms? No, it was the power of her manufactures; and who then can say that she would become dependent upon others by stretching the mighty arms of her commerce from pole to pole!"

He admitted this truth, so eloquently developed, but did we, on this account, owe gratitude to the individual manufacturers? When they embarked in speculations, was it for the sake of profit, or the good of the country? Why, it was the lust of gain which stimulated them, and this by a fortunate combination of circumstances, turned to good. If they rescued the State they did so unintentionally, as the geese when they cackled saved the Capitol by accident, and not by superior instinct. On a former occasion he had alluded to the evils of over speculation, and he repeated it was over speculation which was the ruin of the country. Had not this evil been seen in the case of China? Although the treaty was barely signed, yet what quantity of ships were now crossing the sea to find fresh markets; and if this treaty should not last, as indeed he doubted much whether it would, so opposed was it to all the prejudices of that people, then what misery must be the result? What, he asked, was the great original security of all debts, public and private? Why the land. Destroy or even weaken this security, and how long would commerce alone keep faith with the national creditor? What said Mr. Burke in an eloquent paper of his written in 1795:—

> "It is a perilous thing to try experiments upon the farmer. The farmer's capital, except in a very few instances, is far more feeble than commonly is imagined, and the trade is a very poor trade, it is subject to great risks and losses. The capital, such as his, is turned but once a year—in some branches it requires three years before the money is paid. It is very seldom that a farmer makes twelve or fifteen per cent. on his capital, and now I am speaking of the prosperous. I have seldom known any who died worth more than paid his debts, leaving his posterity to continue the same equal conflict between industry and want in which his last predecessor and a long line of predecessors before him lived and died."

But the House may doubtless say that since that period we have improved in machinery. Yes; but how had that benefitted the labourer? When you laid down the flail and applied steam power to thrashing corn, how many hands were thrown out of employ? He believed that what people termed improvements in machinery were the greatest curse to this country. His noble Friend the Member for Dorsetshire, told him the other day, that he had seen numerous factories in which a regular inventor was kept, whose only duty was to find out and adopt improvements, every one of which turned some two or three persons out of employment. He would admit the deep distress the numerous bankruptcies that prevailed but it would not benefit trade to ruin the agriculturists. There was a call for equality: yes: but what equality? Equal beggary, equal want, equal wretchedness. It was frequently said, why do you require laws to protect the aristocracy, it existed long before the introduction of protection in 1463? That the nobles were most powerful prior to that period was true; but what had this to do with agriculture? Did we not know that at that time land was almost uncultivated, or existed merely in pasture, while the authority of the princely nobles was dependent on the personal services of their followers, who lived according to the rudest system of mountain hospitality. He knew how many there were who looked back to those periods with satisfaction; but he was very doubtful if they were not led astray by romantic notions, and if the state of society—the serf and villien system—was not most deplorable. It was only when protection was introduced and agriculture improved, that the villien began to pay rent instead of personal service. With the progress of agriculture civil liberty, and the distinctions between villien and freemen were abolished. In stating this he did not overlook the influence of towns and the assertions of municipal rights. He knew they added greatly to the march of freedom; but if he granted this, the advantage of the protective system must not be denied to him. As early as the days of the prophet Samuel, we learn who were those anxious for change, "those who were in distress, those who were in debt, those who were discontented." He would then say that such were the men who sought to propagate every passion, who appealed to every prejudice, who enlisted every selfish interest under one banner, whose one watchword was "the people." "The people!" what miserable delusion is it that you alone have the interest of the people at heart, or rather that the interests you represent are the only ones that ought to be respected. Am I not speaking for the people when I call upon you to protect those who afforded you assistance in the times of danger —the great founders of your civil liberties —and who therefore bring time-hallowed associations to strengthen their personal claims? Am I not speaking in the name of the people when I call upon you to protect the vested rights of those who have ever rallied round the throne and the constitution, and to whose hereditary loyalty you are indebted for the benefits of a mixed and equitable Government? I know how powerless is every appeal made to you in favour of vested rights and ancient associations, and that, in this age, it is sufficient that a thing is old to have it thrown aside; but I will quote the language of one whose opinion in this House can never be lightly esteemed—I mean the great Judge Blackstone. He says:—

> "It is by a due regard to vested interests we have at last obtained a constitution, in theory the most beautiful of any, in practice

the most approved, and I pray (let us all join in that prayer) in duration the most permanent."

A constitution which the Roman historian imagined only to doubt the possibility of its being realised, and which every continental writer since the age of Louis XIV. has regarded with mingled feelings of envy and admiration—a constitution which has survived many and great shocks—which, with majesty and equal law, has overridden the Wilkses, the George Gordons, the Hunts of the past, and will override the mob leaders (it were unparliamentary to name them) of the present day—a constitution which will never fail, if we are only true to ourselves, and if the middle class, who stand as a barrier to the encroachments of popular violence on the one hand, and monarchical despotism on the other, will not sacrifice their own rights, and those of their children and descendants, by supineness, indolence and neglect.

Mr. *Gibson* said, I quite concur in what fell from an hon. Member below me, that the amendment of the hon. Member for Dorsetshire is extremely inappropriate at the present time, and that it ought not to have been moved with the view of interfering with such a definite and legitimate proposition as that which the hon. Member for Sheffield has submitted to the House. That proposition has nothing to do with associations, or agitation, or with anything of that kind. It is a simple request that the House will appoint a select committee to inquire into certain alleged burdens pressing peculiarly on the landed interest. But although I think the amendment extremely inappropriate, yet, as it has been submitted and supported by a lengthened speech, containing grave attacks on the Anti-Corn-law Association, and calling on the Government to take steps to put down that association, I think the House is bound to express an opinion upon it; and I hope it will be disposed of by a distinct vote before we come to the motion of the hon. Member for Sheffield. Why has not the hon. Member for Dorsetshire suggested what he wishes to have done? He calls on Parliament to take into consideration what the hon. Member calls a dangerous association, which he says threatens the public peace and the security of life and property. Why has he not mentioned the course to be taken, if his proposition is acceded to? Does he wish for a suspension of the Habeas Corpus Act? Is the Government to imitate Lord Castlereagh, and bring in a bill to put down seditious assemblies? Why does he call on the House to assent to an abstract resolution, and not point out the precise plan for putting down the association? The hon. Member for Bridport ventured to hope that the right hon. Baronet at the head of the Government would vote for this amendment. I hope he will not. I trust that no man who values the freedom of discussion, or the importance of the right of holding public meetings openly, to petition the Legislature for redress of grievances, will assent to the doctrine that meetings are to be put down by law. Let me ask, is there no Corn-law League, as well as an Anti-Corn-law League? The hon. Member for Nottingham, in his able speech in favour of a fixed duty, said fairly that he objected to a Corn-law League as well as an Anti-Corn-law League. There was a time, not very long ago, when a Corn-law League assembled in Palace-yard, and the present President of the Board of Trade spoke of country gentlemen coming up as delegates for the purpose of intimidating the Legislature. This Corn-law League combined was not for the purpose of relieving the country from a yoke, but in order to impose a yoke on their fellow-countrymen. If the House will permit me, I will read an extract on the subject from the *Annual Register* for 1822. It says,

"The beginning of the present year was marked chiefly by the clamours of farmers and landowners. Numerous meetings were held in the agricultural counties and districts for the purpose of deploring the distress of this part of the community, and voting addresses to the Legislature, calling upon it to apply a remedy. The usual nostrums were lauded. Foreign corn was to be excluded, and that exclusion was to work miracles; for these politicians were ignorant that, if there is any truth in official documents, it was long since anything but the produce of our own soil had been sold in our markets."

It then recites the nostrums, and what were they?—

"The abolition of tithes, and a forcible reduction of the interest of the national debt. The last of these was spoken of with a complacency, and listened to with a toleration, which a few years ago would have been incredible. Country gentlemen, of moderate politics and of consequence in their own districts, were not ashamed to allude to this wild and wicked dream of rapine as a measure which might soon turn out to be most necessary and most prudent, and to hear with approving silence, or, at the most, with faint and hesitating dissent, the virulent rhapsodies of political bigots and incendiaries who recommended its immediate adoption. It was a melancholy thing to see how effectual pecuniary embarrassment had been to delude many of that class, in whose soundness of principle and understanding England had long reposed confidence with a forgetfulness of justice and policy. Beginning to feel the temporary pressure of distress, they dared to raise and foster the cry, 'Plunder all, in order that we may live at ease.'"

This course you took in 1822. When you were distressed, not by the importation of foreign corn, but by your own policy, you proposed to relieve yourselves from inconvenience by plundering the public creditor; and Gentlemen sitting opposite to me, and now talking of violent language and improper proposals, were themselves then parties to that proposal for robbing the public creditor. Will you believe me when I say, that this same proposal to rob the public creditor is at this very moment going on. The honorary secretary of the Central Agricultural Society, now having the Duke of Buckingham as its president, and containing among its Members Lord Mountcashel, and a great many distinguished supporters of the Corn-laws, has written a letter which I now hold in my hand, a copy of which was received by the secretary of the Anti-Corn-law League, in which it is proposed that the Anti-Corn-law League should desist from agitating for the repeal of the Corn-laws, and should quietly unite with the British Agricultural Protection Society in a crusade against the public creditor. The proposal was nothing less than that the Anti-Corn-law League and the Central Protection Society for British Agriculture, should join in a co-partnership for the plunder of the national creditor. [Cries of "*read.*"] I will read. The letter is from Mr. R. Brown, honorary secretary to the Central Agricultural Society. It is dated December 27, 1839, 21 Wigmore-street, Cavendish-square. The paragraph I wish to call attention to runs thus:—

"Permit me (says Mr. Brown) to take this opportunity of bringing under the consideration of the Anti-Corn-law League, and the Corn-law repealing party in general, the better policy of aiding this society in its endeavour to obtain the repeal of those laws which make money dear and Corn-laws necessary."

What does that mean? Why it means, and the project aimed at is simply this: to issue an unlimited amount of bank notes, by which the debtor may pay the creditor pieces of paper of a certain nominal value of the debtor's own fixing. I therefore say, that you do not come into court with clean hands, and complain of agitation on the part of the Anti-Corn-law League. ["Oh, oh!"] Do you deny that these have been your objects formerly, and that they are your objects now? ["Oh, oh!"] I am not aware of its being denied. An hon. Member behind me says, that it is only a section of the agriculturists, but I have already stated, that the Duke of Buckingham is the president, and that the names of many of its members are the names of those who represent the great body of the agricultural interest of this country. At the head is his grace the Duke of Buckingham.

An hon. *Member* on the Ministerial side of the House rose and exclaimed, "I rise to state that that circumstance is not true."

Mr. *M. Gibson* proceeded to read the names of several other noblemen who were vice-presidents of the society, among whom were the Earl of Darlington, the Earl of Winchelsea, the Earl of Tankerville, the Earl of Airlie, the Earl of Hardwicke, the Earl of Delawarr, the Earl of Tyrconnel, and the Earl of Mountcashel; there were also the names of many Members of Parliament; but I do not (said Mr. Gibson) see the name of the hon. Member for Dorsetshire, though I do see the names of the two hon. Members for the county of Suffolk, one of whom I recollect did once say something bearing pretty closely upon a scheme for robbing the public creditor. Now, I am prepared to say, that if the Anti-Corn-law League should ever use improper means for effecting its object, that, however good I consider that object to be, I would not be the man to support it. Let the best end fail, if it cannot be supported by proper and just means. Therefore, I am no party to support any association, whether having a public or a private object to promote, if it propose to take means which I do not think are consistent with justice and propriety. But, I contend, that the Anti-Corn-law society have done nothing more than attempt to instruct the great body of the people to spread throughout the country information upon commercial subjects, and to teach those very principles which the right hon. Baronet himself expounded in this House. The worst that you can possibly say against the Anti-Corn-law League is, that it has applied hard words to the landed proprietors. You may fancy that to accuse the landed proprietors of having appropriated to themselves what was not strictly their own, is a hard expression, and one calculated to wound the feelings of the landed interest of this country. But let hon. Members reflect one moment, that if the policy of the right hon. Baronet last Session was a sound and wise policy, then you are convicted, by that very policy, of having been in possession of what you were not entitled to. The right hon. Baronet deprived you of certain protection which you enjoyed previously. He told you that protection was not consistent with the welfare of the public at large. You gave him your support by your votes, and, therefore, you agreed with him in the proposition that you had been, up to that time, plundering the community. To show that I do not take a very extraordinary view upon this question, I will quote the report of the committee of Cambridge and the Isle of Ely Agricultural Association upon this subject. I believe I have used almost the very words of that association. The report says—

> "They were astonished, they were mortified, to witness the vast majority of the landowners of this country giving the Minister their support, and so virtually becoming every one of them members of the Anti-Corn-law League. Entrapped into the admission that the protection they received was immoderate, and, therefore, unjust and indefensible, what have they to complain of in the conduct of the Acklands, the Smiths, and other travelling demagogues who go about the country preaching against them, except the use of a few hard names, which for the most part they deserve, if they are sincere in their vote upon the vital subject of the law of protection? If they believe that the interest of the country and the common good do not require the protection they have enjoyed, how can they deny the justice of all the absurd abuse which has been made against them?"

It is impossible to contest the truth and the justice of these remarks. But for a point of form, I should have presented a petition this evening, from a number of agriculturists, who having observed the motion proposed to be made by the hon. Member for Dorsetshire, and feeling regret at any attempt to impede the progress of the Anti-Corn-law Association, the object of which is to spread information throughout the country upon the mischievous tendency of the Corn-laws, have petitioned the House on the subject. As I was not allowed to present the petition, I will take the liberty of reading it to the House. The petition is signed by several eminent agricultural occupying tenants—men paying large rents themselves, and entirely subsisting by the profits of agriculture. The petition comes from near Alnwick, in Northumberland, It runs thus:—

> "To the Honourable the House of Commons in Parliament assembled,
>
> "Showeth—that your petitioners are agriculturists, and belong to that class called 'occupying tenantry.'
>
> "That your petitioners have observed, that a motion is about to be submitted to your honourable House, with the view of inducing Parliament to impede the operations of a certain society, called the 'Anti-Corn-law League,' in order, as is alleged, to confer a benefit on the agricultural classes.
>
> "That your petitioners believe, that the proposal embodied in the above motion, emanates from, and will be supported exclusively, by persons styling themselves 'farmers' friends.'
>
> "That your petitioners being themselves farmers, cannot consider those parties as 'farmers' friends,' who seek to put down the Anti-Corn-law League, inasmuch as the object of that League is to abolish a system of legislation which has frequently deceived the occupying tenantry, and been the means of involving great numbers of industrious and enterprising agriculturists in the loss of their capital, and in utter ruin.
>
> "That your petitioners pray your honourable House to receive the statements of the parties calling themselves 'farmers' friends' with great caution; for your petitioners have reason to believe that those persons, being themselves landowners, are actuated rather by a desire to keep up the rental of land than to confer any benefit on the occupying tenantry, or to promote the welfare of the community at large.—And your petitioners will ever pray."

Three of the persons whose signatures are attached to this petition pay together a rental of not less than 5,000*l*. a-year; and one of them alone pays 1,800*l*. a-year. I take the liberty of calling the attention of the House to this petition, which in point of form does not allow me to present. I shall not dwell upon the subject of associations any longer; but I will take the liberty of trespassing upon the attention of the House for a few moments, in reference to the motion of my hon. Friend the member for Sheffield, which he has submitted to it with so much ability. In the first place, I will reply to that objection made, as I thought with some force, by the hon. Member for Dorsetshire. He said,

> "If you really are sincere in wishing for free-trade, if you really desire to abolish the

protective system, why do you frame a motion which seems specifically and entirely pointed at the landed interest?—why do you not come forward with some proposition to abolish all protection?"

The hon. Gentleman said that he, as a landowner, objected to be the first upon whom the experiment should be tried—he should like others to be participators in the experiment. There is force in the hon. Gentleman's remark. I assure the hon. Member that I am authorised, on the part of the manufacturers, most distinctly and unequivocally to declare that they are willing to abandon every tittle of protection; that they desire protection to be completely abolished, and that they feel that in attacking the Corn-law they are attacking the key-stone of the monopoly system; and that until they shall have abolished the Corn-laws, they shall never get the assistance of the most powerful party in the state for abolishing all other monopolies. They know perfectly well that when you are deprived of the protection you enjoy, you will assist in abolishing all other monopolies. With regard to the motion, I for one do not consider that the repeal of the Corn-laws is to be made a condition upon lessening the burthens upon land. My hon. Friend stated the same thing. He said—You have allowed that the burthen of taxation is unequally distributed, and that you bear a greater portion of the charges of the country than the rest of the community; we (said my hon. Friend) will give you the opportunity of proving the amount of this excess. We will afterwards ask Parliament to equalize taxation, and put you upon the same footing as the rest of your fellow-countrymen. That I understand to be the proposition before the House. It is a very just proposition. If hon. Gentlemen on the other side are really sincere in their statement, that they do labour under an excess of taxation, what can be more desirable than to prove the excess before Parliament, and call upon Parliament, as you will be entitled to do, in a manner which cannot be resisted for a moment, to equalize the burthens, and to put you upon the same footing as the rest of the community? With regard to the Corn-law question, I cannot consider the duties on foreign corn or restriction upon trade as a proper mode of compensating the landed interest for any excess of burthens they may bear. As regards the importation of foreign corn, I should rather say this, that if you prove the existence of any great amount of exclusive burthen—if you show that there is something in your system that prevents you from cultivating your land to any considerable extent—that is rather a reason for admitting foreign corn from those countries which can produce it cheaper. If you cannot grow corn, in consequence of your burthens, is not that a reason why others should import it? We cannot starve because you have chosen to take upon you a greater burthen than you are bound in justice to pay. You must complain and ask Parliament to remove those burthens, if they be in excess; but you cannot show that because you bear certain burthens beyond what your fellow-countrymen bear, you are therefore entitled to restrict trade. It is not a question as between the burthens imposed on land in foreign countries, and the burthens upon the land in this. It is a question as between the burthens upon different classes in this country. But whether you view it as a question of burthens on foreign and on English land, or as a question of burthens on agriculturists and manufacturers, in this country only, in either point of view, you can never make it a reason for imposing restrictions on trade. If you make it a question as between the burthens upon land in foreign countries and the burthens on land in this, and if you adhere to a Corn-law to equalize the difference of those burthens, then you must have a different Corn-law for every different country with which you trade; because there are different charges on the land in different countries; and thus you become involved in a perfect absurdity. Then, with reference to the burthens on manufactures being smaller than on agriculture. Supposing the burthens upon the county of Norfolk are greater than in the county of Essex, is that a reason why the people of Norfolk should demand that Essex should only have corn brought to market under a duty? What have I to do with the burthens of another man? If his burthens are greater than they ought to be, it is his business to complain of them, but it is no compensation to him to make me suffer. Because the manufacturers are less burthened than the agriculturists, that therefore there should be a restriction on trade is to me a perfect mystery. I will put it mathematically to the right hon. Gentleman (Mr. Gladstone), who is a mathematician, and will ask him how he will solve this problem:—"Given the burthens on land, given the burthens on manufactures, what is the state of the sliding-scale on corn which will represent the difference?" That is what you profess to do. You have actually professed to have found out a sliding scale in corn which will be the exact measure of the difference between the burthens on land and the burthens on manufactures. I must confess that the right hon. Gentleman's acuteness is what I cannot boast of possessing. The right hon. Baronet, I must also say, is justly charged with having stated that his Corn-law was a compensation for the excessive burthens on land; and the right hon. Baronet did, in his speech, strengthen the prejudice in the country, that because the land owners paid tithes, land tax, and a variety of burthens, therefore it is right and proper that traders should suffer also. The right hon. Baronet certainly has assisted in spreading what I cannot help thinking he must now feel is a prejudice. I must also say, that the right hon. Baronet gave an impulse to his party which shows itself on the present occasion—namely, in speaking sneeringly of the manufacturing industry of the country. Did not the hon. Member for Dorsetshire sneer at the tall chimnies of factories, and did he not draw a picture calculated to leave on the minds of hon. Members an unfavourable impression as to the manufacturers as a class? The right hon. Baronet is clearly subject to the responsibility of having given that impulse to his party. Did he not first sneer at the manufacturing system, when he talked about the dull succession of manufacturing towns connected by long lines of railway? Did he not draw a picture about the happy peasantry, the honeysuckles winding around their cheerful cottages, and what not? Did he not say, that he would not repeal the Corn-laws, because he did not wish to see this country one dull succession of manufacturing towns connected together by railroads? The same sneering spirit was exhibited the other night, when, he asked, is there nothing but manufactures to be cared for? I do, therefore, complain that any attempt should be made on either side of the House to sneer at any particular branch of industry of the country. All industry is valuable, and I think this question can be discussed without any sneering at particular individuals or classes, or drawing any comparison between the humanity of the landowners and the manufacturers. The hon. Member for East Norfolk has made use of a most extraordinary argument. He says a Corn-law is justifiable, because there are more agriculturists than manufacturers—that is to say, a large number of people have a right to oppress the smaller number. Surely, there is such a thing as justice in the world. It is not because there may be numerically a larger number of agriculturists than manufacturers that, therefore, the Corn-laws are justifiable. Such a proposition must, on reflection, appear to the hon. Gentleman himself to be palpably inconsistent with the first principles of justice. I will not trespass on the House any longer. I will sit down by simply calling upon the House to deal with these two propositions as separate and distinct. Upon the first proposition the House is bound to come to a decided vote. It raises a great principle. It raises a principle which I thought was extinct in this country, after the death of the late Lord Castlereagh; and I trust the House will not feel satisfied without coming to a distinct negative upon that proposition. Then, as to the motion of the hon. Member for Sheffield, I hope the House will be induced to give its assent to it. It has been brought forward with no other motive than to shew what are the burdens said to exist on the land, and with no desire to create a panic among the agriculturists, because whether you prove an excess of burdens or not, we are entitled to call upon you for a total and entire abolition of the laws which restrict foreign trade.

Sir *Robert Peel* wished to take the opportunity, before the debate closed to state to the House the course which he meant to pursue, both with respect to the original motion of the hon. Gentleman, and with respect to the amendment upon that motion, moved by the hon. Member for Dorsetshire. He so far concurred with the hon. Gentleman who had last spoken, that he thought the hon. Gentleman who had made the original proposition had a fair right to expect that the House should decide affirmatively or negatively upon that motion. It was not in his power to give his assent to the proposal of his hon. Friend the Member for Dorsetshire. He could not be called upon by the forms of the House to give a direct negative to that amendment. The manner in which the question would be put from the Chair he apprehended would be this, whether the motion of the hon. Member for Sheffield should stand part of the question. The vote which he (Sir R. Peel) would give would be that it should stand part of the question. He should, therefore, if the majority concurred with him in opinion, indirectly negative the proposal of his hon. Friend. He should negative it upon these two grounds—he thought it had no immediate connection with the motion of the hon. Gentleman (Mr. Ward). He thought that the proposal of a resolution that certain associations were dangerous, was not a proper amendment to move upon a motion that a select committee be appointed to inquire into the burdens on agriculture. He thought there was no such necessary connection between the two as to make it a fitting amendment upon the original proposition. He rather thought his hon. Friend must entertain an opinion not very different from his, because his hon. Friend's original intention was to move it as an amendment, not upon the present motion, but upon a totally different motion, of which notice was given by the hon. Member for Dumfries; but it happening that that motion would not be brought forward so early as was expected, his hon. Friend transferred it to the motion now before the House. Upon the ground of its not being an appropriate amendment, he was prepared to express his dissent from it. But there was another ground on which he was also prepared to signify his dissent from this amendment. He decidedly objected to the House of Commons dealing with any acts which it might reprobate, or with any association which it might consider dangerous by way of resolution. How could they affect the acts or the associations by any resolution they might come to? A resolution of that House constituted no part of the law of the land. There was no obligation on individuals or on associations to defer to the resolutions of the House; and if the resolutions were not deferred to, and the country be induced to disobey them, the passing of them would have a tendency to exhibit rather the imbecility of the House than its power. Although the association had not been distinctly pointed out by his hon. Friend, yet there was no doubt what association his hon. Friend meant; but if there were any associations in this country which transgressed the law, and which were so far dangerous that the law ought to be enforced, then it was the duty of her Majesty's Government to apply the provisions of the existing law. If it were thought that the Government was remiss in performing its duty, it was competent for the House of Commons to address the Crown, praying the Crown to enforce the existing law. That was a course implying certainly, some reflection upon the Government; but it was perfectly consistent with, and perfectly open to, the House of Commons to take that course. If, on the other hand, the law were defective, the House of Commons had a perfect right to do that which was within its own province for the amending the law, namely, to introduce a bill to remove the defects of the existing law, Either of these courses was open to the House of Commons, but he objected to the course proposed of passing a resolution which would not have the power of a law, and had no binding obligation upon their fellow subjects. Upon these two grounds he must dissent from the proposal of his hon. Friend. To the proposition of the hon. Gentleman the Member for Sheffield he should also give a decided negative. He could not acquiesce in the propriety of appointing the committee which the hon. Gentleman proposed. He was sorry to hear a portion of the speech which was delivered by the hon. Member for Manchester. Nothing was more unfair or more ungenerous than the attack which the hon. Member made upon those Gentlemen connected with the landed interest, who, in the course of the last Session of Parliament, showed a disposition to support the proposal for relaxing the duties upon corn and other articles. They supported him in his proposal to reduce the duty on Corn, and to repeal altogether prohibitions upon the importation of foreign meat and cattle; and what was the acknowledgment which the hon. Member for Manchester made for this? He said to those Gentlemen—by the very support you gave to those proposals, you proved that you were conscious of possessing what you had no right to possess; and yet, in the course of the same speech, the hon. Gentleman said he could assure the House, on the part of the manufacturers, that they were perfectly prepared to part with the protection they now enjoy. Now, if he and those hon. Gentlemen whom the hon. Member for Manchester so unjustly assailed, were to turn round upon the manufacturers and say,—Because you are willing to part with the protection you now have, you impliedly admit that you have been robbing the public by maintaining duties which were not for the benefit of the public, but for the benefit of yourselves, would not the hon. Gentleman himself have been the first to rise and denounce so unjust an imputation upon the manufacturing interest, and have resented it as most unwarrantably making an attack upon the manufacturers of having plundered the people? If he had ever indulged in sneers at the manufacturing interests, such sneers would have come with a peculiarly bad grace from him; with a bad grace as a Minister of the Crown, and with peculiarly bad grace as an individual who owed all that he possessed to that interest which he was bound to hold dear. In the course of the debate, and in repelling some argument advanced against him, he might have used terms which any one wishing to take advantage of him might have turned to some such purpose, and which might have rendered him open to the misconstruction of the hon. Gentleman; but he assured the hon Gentleman that he did him gross injustice, if the hon. Gentleman supposed that he was unmindful of the deep obligations he owed to the manufacturing interests; or if he had indulged for an instant in a sneer at the tall chimnies of the manufacturers to which he owed all of wealth that he possessed. He therefore protested against the construction which the hon. Gentleman had put upon any expression of his. The question between the hon. Gentleman and himself was not whether any information which could throw any light upon this subject should be withheld, but whether a select committee was the proper tribunal to come to a satisfactory decision. Suppose that the hon. Gentleman's committee should be appointed—that he should acquiesce in it—he would claim that his own side of the House should be fairly represented upon it; and if the committee were to represent the opinions of the House, he should be entitled to claim a majority. If so, would the report of the committee be perfectly satisfactory to the hon. Gentleman. [Mr. *Hume*: It might take evidence,] What would be the nature of the evidence? It would only consist of conflicting opinions as to whether the land bore a greater or a less share of the burdens. The facts he had no objection to give in the shape of returns. Now with respect to the amount of taxation, the landed interest was subject to public taxes, and also to local taxation; and as some contended, it was subject to a peculiar burden in the support of a church establishment. The land had to bear almost exclusively the maintenance of the church establishment in the three portions of the United Kingdom, in England, Scotland, and Ireland. In this country, likewise, it had to bear a large proportion of the expense of maintaining the sacred edifices, for he apprehended that a great proportion of the church-rates fell upon land. Then, with respect to public taxes, Whatever return should be called for to show the proportion of the taxes borne by the land, and which could be produced from any office, he would have no objection to give. The hon. Gentleman opposite had called for a return of the amount of the taxes borne by the land in the other countries of Europe; he did not think that the returns were very satisfactory, but as far as the Government could procure them they were given. The hon. Gentleman was in possession of them. Then let him take the case of the legacy and probate duties. The hon. Gentleman contended, that the land was altogether exempt from any charge for legacy or probate duty. He denied the assumption of the hon. Gentleman. He said, in the first place, that the land did bear a considerable portion of the legacy and probate duty. All the leasehold interests paid the duty. How then was the question at issue between them to be met? Not by the appointment of a committee, but by voluntarily giving all the returns that might be called for. The hon. Gentleman said, that the land paid no equivalent for exemption from the legacy and probate duties. He said, that land contributed almost as much as personal estates to the exigencies of the state by the payment of the stamp duties on conveyances. There was a material difference between him and the hon. Gentleman; that difficulty also needed not a committee to clear it up, it might be done by returns. A motion was made last year for subjecting land to the legacy and probate duty. He had opposed it himself; it had also been opposed by Members of the late Government; and the Chancellor of the Exchequer of the year 1840, when pressed so to subject it, had showed, first, that the land did contribute to these taxes; and next, that it had paid 1,600,000*l.* during the year for stamps on deeds and conveyances of land, whilst the total amount of the legacy and probate duty during the year was little more than 1,700,000*l.* The hon. Gentleman had totally omitted this charge, which was considered by the right hon. Gentleman equivalent to the probate and legacy duty. The hon. Gentleman said, that stamps were used for marine insurances and other purposes unconnected with land. Let the returns make every distinction. Let the House see what amount was contributed by the land to the legacy, probate, and stamp duties; and then let them consider, in the House, and not in a select committee, whether there were any peculiar exemptions. Next, there were the local taxes. The first great charge to which the land had to contribute was the poor rates and the county rates. The hon. Gentleman denied, that these were unduly charged upon land. Here, again, let him call for returns. The hon. Gentleman referred to the policy of the ancient law. He referred also to that law, as showing, that when these burdens were originally placed upon land, the same statute expressly provided, that the profits upon trade should be subjected to the tax. That was the policy of the law. Recent decisions in the courts of law had so determined; but the Legislature passed an act exempting the profits of trade from the poor-rate. They found it difficult without a process of inquiry—to which they did not like to submit—to ascertain the profits of trade, or the amount at which they should assess stock in trade: and they had exempted stock in trade and profits of trade; but land was tangible, the profits were easily assessed, and they had made the land contribute to make up the deficiency. Let the House have the whole case before them, and all this would be easily ascertained. If they had a committee composed of seven Gentlemen on one side, and seven on the other, their opinions would have been made up before they began; and he did not expect that any investigation they could make, or any expression of opinion, would materially weigh with the House. An inference was to be drawn—it was to be drawn from public documents, and not by such an inquiry as the hon. Gentleman demanded. Then as to the charges for high-ways. The hon. Gentleman said, that these highways were essential for communication between different properties, but highways were equally necessary for communication between towns; and if the charge for high-way rates did fall in an undue proportion upon land, surely it was not unfair to consider it a peculiar burden. But this was a matter for public discussion, on which hon. Members were perfectly competent to form a decision, and no one would be influenced by the report of a select committee. That opinion would be greatly influenced by facts, but those facts could be as well ascertained by returns as by a committee. Then with respect to tithes, the hon. Gentleman denies that they are a burden upon land. He drew a distinction between tithes of an uncertain amount to be determined at the caprice of an individual, and tithes paid by way of commutation, and he said,

> "There has been a commutation of tithes of late years, which alters the whole question, because formerly the amount of tithe was uncertain, and varying from year to year according to the quantity produced, whereas it is now comparatively fixed and certain; therefore, whatever the opinion in former times may have been, it is now clear that tithes no longer constitute a burden upon land."

He did not deny that variable tithes were a greater burden on land than a commutation; the question, however, was whether tithes paid for the maintenance of the Established Church were or not to be considered a peculiar burden on land. As he had said last year, Adam Smith and Ricardo had settled this question. Would a committee elucidate the facts, and determine whether the hon. Gentleman or Adam Smith and Ricardo were right; or was it not rather a general inquiry into which every man was capable of entering for himself. Adam Smith said:—

> "When, instead of a certain portion of the produce of the land, or of the price of a certain portion, a certain sum of money is to be paid in full compensation for all tax or tithes, the tax becomes in this case exactly of the same nature with the land-tax of England. It neither rises nor falls with the rent of the land. It neither encourages nor discourages improvement. The tithe, in the greater part of those parishes which pay what is called a modus in lieu of all other tithe, is a tax of this kind."

The opinion of Mr. Ricardo, a gentleman opposed to the Corn-laws, was decided upon this point, and on that of tithes being a burden on land. Notwithstanding the origin of tithes, the claims of the Church to tithes, he was willing to admit, were equal in force to the claims of the landlords to their estates; yet both Adam Smith and Ricardo were aware of this when they considered that the land in England was entitled to protection; they both said that the English land was subject to burthens to which foreign lands were not, and they both agreed that, for the burthens tending to increase the price of the production of the corn here above the price of production on the continent, the land was entitled to protection. Then the hon. Gentleman laid it down that they should only consider the comparative protection of the produce of land, and the produce of manufactures in this country, and that we had no right, in dealing with the agricultural protection afforded in this country, to consider whether other countries would produce their corn free from these burthens. There again Mr. Ricardo and Adam Smith were both at issue with the hon. Gentleman. Mr. Ricardo said, "a tax that falls exclusively on any commodity tends to raise the price of that commodity;" and that if it did not so raise the price, the producer would be subject to a disadvantage, for "he would no longer gain the ordinary profits of trade." [*Cheers.*] The noble Lord cheered. No doubt Mr. Ricardo disregarded altogether the comparative expense of production between this and foreign countries, unless the greater expense arose from peculiar burthens. Mr. Ricardo said that unless the extra expense of producing here arose from special taxation, the land was not entitled to protection; and he, therefore, dissented from the report of the agricultural committee of 1821. But let them observe the practical conclusion to which Mr. Ricardo came. He thought that Mr. Ricardo did distinctly say that tithes did operate as a burthen on land, and that they had a tendency to raise the cost of producing corn; and the practical conclusion of Mr. Ricardo's writings in 1822 or 1823 was, that until corn should arrive at the price of 70*s.* there should be an exclusion of foreign produce; when corn arrived at that price he proposed that there should be a duty of 20*s.*; that the duty should then diminish annually by 1*s.* till it reached the fixed duty of 10*s.*; and that afterwards this duty of 10*s.* should remain permanently, as he considered 10*s.* was the protection to which, in consequence of the superior cost of the production of corn in this country, the producer was entitled. These were his exact words:—

> "If the importation price of Wheat were 60*s.* a quarter in England, and it was 60*s.* a quarter on the Continent, and in consequence of the burthen of tithes, wheat was raised in England to 70*s.* a quarter, a duty of 10*s.* ought also to be imposed on the importation of foreign corn."

Here Mr. Ricardo showed a decided difference of opinion from the hon. Gentleman. He said that if a tax were in operation here there ought to be protection. He (Sir R. Peel) was assuming that tithes did operate as a tax. Not only did Mr. Ricardo say that if tithes did operate as a tax there should be protection, but he admitted that tithes in this country did operate as a burden upon land. [Viscount *Howick*: Hear.] The noble Lord could not possibly deny that Mr. Ricardo called tithe a tax. He therefore said with respect to the three burthens of public taxes, of local taxes, and of tithes, that he was perfectly prepared to produce all the returns which could be required, and let the House determine whether they were or were not actually burthens on land. He never did, however, rest the claims of the land to protection on the ground exclusively of these burthens. He had contended as Mr. Ricardo had contended, that after protection had been afforded for 150 years, and after large masses of capital had been invested in land under that protection, any rash or hasty withdrawal of that protection, throwing open the produce of this country to the unlimited and uncontrolled competition of foreign countries, would not be judicious, and he had not spoken of the interests of agriculture exclusively, but the general interests of the community: he had contended that they should deal with agricultural produce as they had uniformly dealt with manufacturing interests, to make any change with great caution and great care. He never could exclude from his consideration not only the amount of capital embarked in agriculture, but that a great proportion of the population of this country was employed in it: and if they rashly disturbed those laws, although their principle might be unwise, yet after their long endurance, not only would the landed interest be injured, but the great interests of the community at large would suffer. When hon. Gentlemen quoted his expression "that a country ought to buy in the cheapest and sell in the dearest," and said that he laid down this as the general principle to which the law ought to conform, they ought in fairness to couple that quotation with his declaration that in a state of society so artificial as this, and after these laws had endured so long, although such a principle might be sound, yet they should abstain from a rash and unwise manner of applying it without due consideration. He would read to the House the very words he had used last year, upon this subject, on the motion of the hon. Gentleman. He had thus contended last year:—

> "I rested the claims of the land to protection, not upon its peculiar burthens alone, but upon other grounds. I said, that protection to the produce of the soil had been afforded for the last 150 years—that large capital had been invested on land under that system of protection—and that nothing, therefore, in my opinion, could be more unwise than to risk the disturbance of the interests embarked in agriculture by the sudden withdrawal of the protection which had so long been afforded to them, under which the existing relations of society had in a great degree been formed, and in reliance upon which so much wealth had been directed to the cultivation of the soil."

That was the language which he held last year, and when hon. Gentlemen quoted his statement of the principle which ought in the main to guide their legislation they ought in fairness to refer to the qualification with which he had announced the application of that principle. He confessed he was rather surprised that the hon. Gentleman should have made this motion. Did he think, that this inquiry ought to be completed before there was fresh legislation on the Corn-laws? If he had acceded to the appointment of this committee, and had, in addition to the seven gentlemen selected by this hon. Gentleman, named seven on his own side of the House, to consider the peculiar burthens on the land—and if their labours should continue for the same period as similar inquiries had done—did the hon. Gentleman intend to postpone all legislation till those labours should be concluded? The hon. Gentleman had referred to the possibility of the inquiry lasting two or three years, and he had known inquiries last that time. Now, did not the hon. Gentleman, if he got this committee, still intend to go next week for a total repeal of these laws? Would he not say, "Although you have appointed a committee, its inquiries are all beside the question; for even if you show that there are peculiar burthens on land, the hon. Member for Manchester says, and I agree with him, that there ought to be no protection on that account." [Mr. *Gibson:* You should equalise the burthens.] The hon. Gentleman said, that they ought to equalise the burthens, and not to grant protection. If this motion were carried, might not the hon. Member vote after Easter for a total repeal, leaving the agriculturists to trust for protection to the equalization of the public burthens. He had been charged with producing uncertainty by his proposition, and the hon. Member for Dumfries had given notice of a motion on that account. Perhaps he would not persevere in the motion. At any rate, he was happy to see that the hon. Member thought it of so little importance, that he need not pay particular attention to the debate. [*Laughter, Mr. Ewart being asleep.*] He was sure that the hon. Member would not be indulging in repose, if he did not know that the great question of the Corn-laws must be decided by the House of Commons, and that the proposal of a committee might be a very proper subject for debate, but that it need not occupy much vigilant attention. The hon. Member thought his attendance necessary for the purpose of his vote, but that attention to the arguments was not absolutely required. On Thursday next, however, the hon. Member meant to move.

> "That, it having been acknowledged on the part of the Ministry of this country, that the present Corn-law is not a settlement of the question, and there being reasonable grounds for believing that the existence of such law will be of short duration, it is just and expedient that a state of uncertainty, embarrassing and unfair to the agriculturists, and injurious to commerce, should be put an end to, and measures of a settled and final character adopted without further delay."

The hon. Member said, that this uncertainty was unfair to the agriculturists and injurious to the interests of commerce, and he, therefore, called upon the House to settle the question of the Corn-laws on a principle of finality; but what sort of a settlement could there be if the House of Commons referred this inquiry to a committee whose labours should not be concluded? He advised the House to act on the suggestion of the hon. Gentleman's motion. The question was too vast and comprehensive to be disposed of by a committee. If the law were to be altered, let them go at once to the consideration of the alteration; let a motion be made. An opportunity would be afforded him of discussing the policy of the present law on the motion of the hon. Member for Wolverhampton (Mr. C. P. Villiers), and he would not then enter upon it. He would examine the operation of that bill, and when he should be called on, he would enter upon the various and comprehensive considerations involved in the question of the Corn-laws. He admitted, that it was of the utmost importance that the people of this country should know what were the intentions of the Legislature with respect to these laws, and his belief was, that the appointment of a committee would more than anything else contribute to create uncertainty; it would be infinitely better if the House of Commons were prepared to make a change, to make that change at once, rather than devolve an inquiry upon a committee, which, if it meant anything, meant that they ought not to legislate till the result of their labours was known. It was not fair to give a committee, when, if it were granted, they might next week proceed at once to the repeal of the Corn-laws. The right hon. Baronet concluded by saying:—"I have no other object than to do justice between all parties whose permanent and comprehensive interests are intimately united, although I know that there may be an immediate conflict between them. In the proposal which we made last year, and which was made without reference to any party or political consideration, I did attempt what I deemed most consistent with justice, and most conformable to the interests of the country. It was impossible to touch those great questions without great embarrassment. We could not remove the protection afforded to cattle and meat, and reduce the duty on foreign corn, without disturbing the minds of the agricultural body. There has been an undue panic affecting them, not warranted by the change in the law, which had created a great evil, disturbing the application of capital, and suspending or diminishing employment. A continuance of doubt will be pregnant with evil consequences. I know that it is impossible for any Minister of the Crown—I know it is impossible for the House of Commons to give any sort of guarantee for the permanency of a law of this description. I have already, for myself, refused to give such a guarantee. I say that I will reserve my opinion as to the necessity for an alteration of the law; and I say that no false sense of consistency, if I am convinced that this law is injurious, shall prevent me from advising against its further continuance. But although there must be a certain degree of uncertainty as to laws of this nature, whether we take a graduated or a sliding scale, do not increase the difficulty by sending it for the consideration of a select committee, to publish contradictory evidence day by day; not elucidating, but rather tending to conceal the facts. The agricultural body have a fair right to expect from me at least a maintenance of the law, till I am convinced that it is wholly objectionable. [Viscount *Howick:* Hear.] If the noble Lord thinks that I am making any reserve for party purposes, he is decidedly mistaken. On the one hand, I have seen nothing in the operations of the law to change my opinion as to the result; but, on the other hand, I never will give a guarantee that if, after an experience of the working of the law, a better can be substituted, I will not adopt it. Although I am the author of that law, I would so act, whatever may be the consequence, and even if I were to lose power to-morrow. But I will maintain the law till my opinion undergoes a change; and it would not be fitting for me, after passing this law, in which I received the assistance of a great majority of the agricultural interests, acting, of course, for the public interests, but on the implied condition entered into, that so long as my opinions as to its working shall not be changed, there should be no alteration, to disturb the minds of the agricultural interests, by agreeing to the appointment of this committee.

Viscount *Howick* thought that the right hon. Gentleman had made out even a stronger case in favour of this motion than his hon. Friend near him. In the first place the right hon. Baronet admitted that it was important in deciding on the policy of the Corn-laws to decide whether the land was exposed to any peculiar burthens or not. The right hon. Baronet said that he had never rested his defence of the Corn-laws on the exclusive burthens affecting land; yet in the very next sentence he admitted that he did lay considerable stress upon that point. Here, therefore, was a point which the inquiry of a committee would clear up, and it was most proper that before the discussion of the Corn-laws, one by one and step by step, doubts should be removed and fallacies exposed. If the land were subject to peculiar burthens, they ought not only to be ascertained but to be removed. A large body in the country denied those burthens, while another large body believed their existence, and between the two it was most fit that the truth should be ascertained. What had been the next admission of the right hon. Baronet? "Move (said he) for returns—for as many as you like, and I will show you from them how the case really stands." Yet, just after he had made this offer, the right hon. Baronet turned round and complained that one part of the case had been mis-stated—that the land was not entirely exempted from the legacy and probate duty, inasmuch as leasehold property was liable to it. Here, then, was another obvious question for a committee—was the land, or was it not, exempted, and how far? He wanted to see the exemptions fairly stated on one side and the burthens on the other, and the balance struck between the two. Returns might be moved for *ad infinitum*, and they would still be insufficient; how was the case to be made out, on one side or on the other, by returns; and how did the proposition of the right hon. Baronet in favour of returns tally with the rest of his argument? The right hon. Baronet contended that two or three sessions would be consumed by an inquiry before a committee, in order to settle the question. But how long a time would it not occupy to inquire and settle the question by returns? The table might be loaded with a complication of figures out of which either party might prove anything they liked—but appoint a committee to obtain facts, and to make a distinct and authentic report and something important would, indeed, be gained towards the settlement of the question. The right hon. Baronet said that after all the settlement might not be final. His answer was that he was ready to accept a report even from Members exclusively on the other side of the House. He should like to see their report—to read the evidence they would collect, and to see how they made out their case of peculiar burthens. So far this would be an approach towards a final settlement. Whenever there was a dispute on matters of fact and detail, the proper mode of deciding it was to take evidence upon the point. He thought the case in favour of inquiry unanswerable. It was true that last year he had objected to such a motion, and why? Because it was brought forward in the shape of an amendment to a measure which he (Viscount Howick) thought would shake the whole principle of the monopoly in corn. Now, however, the case was widely different: the motion was a substantive proposition, and compliance with it would, in his view, be attended with important advantages. The right hon. Baronet had alluded to a cheer given by him (Lord Howick) when mention was made of the opinion of Mr. Ricardo. The right hon. Baronet had stated, with perfect correctness, the principle laid down by Mr. Ricardo. The object of that Gentleman's book was, to show the impolicy of fiscal regulations which disturbed the natural application of labour and capital. Holding this opinion, Mr. Ricardo had said that if there were any peculiar charges upon any species of production those peculiar charges ought to be removed or countervailed. In that opinion he entirely concurred; but it did not at all make out the case it was brought forward to prove, because Mr. Ricardo was only putting the matter hypothetically, and assuming for the sake of his argument that there were peculiar charges upon corn in reference to tithes. At the time when Mr. Ricardo wrote tithes were to a certain extent a charge upon production; but the Commutation Act had made all the difference, and they were now no charge whatever upon production. There was one more point which he was anxious to notice. The right hon. Baronet had said, that one great argument against the motion was, that to carry it, would create an uncertainty as to the continuance of the Corn-laws. He would like to ask the right hon. Baronet whether he really thought that anything at this moment would increase the prevailing uncertainty in the public mind as to the continuance of the Corn-laws? The very amendment of the hon. Member for Dorsetshire, stated that there existed at this moment, a state of great anxiety embarrassing to agriculture, and injurious to commerce: in his speech, too, the hon. Member described in much detail, the miserable effects of the present state of uncertainty. He was persuaded that the statement was correct, and what was the fair inference to be drawn from it? He asked the landed interest seriously to consider the situation in which they stood. Did they really think that they should gain anything by the temporary existence of the present Corn-law? He believed that no man expected that it would last long. Perhaps a single rotation of crops would be longer than the existence of the present law. In such a state of things, how could it be supposed that capital would be laid out in the improvement of land? Was not this state of things well worth the consideration of the landed interest? Was any advantage that might be gained from the temporary existence of the present law to be set against the check thus given to the spirit of enterprise and the progress of improvement? He did not mean to say a word in defence of the Anti-Corn-law Association; on the contrary, he thought its existence a great evil, but it was a consequence of the greater evil of the Corn-laws. He would appeal to the right hon. Baronet, whether the effect of the policy pursued towards the Roman Catholic Association in 1825 was very encouraging? Did legislating against the association, instead of passing the Emancipation Bill, accomplish so much good as to induce the right hon. Baronet to repeat the experiment? He asked the right hon. Baronet to look back at the fatal consequences of the line of policy then adopted. Did he not deeply regret, and bitterly lament, the incalculable evils arising out of resistance to the claims of the Roman Catholic Association. How much better would it have been for the empire if the Roman Catholic Relief Bill, with what were called its two wings, had been passed as a concession to justice, instead of the measure passed in 1829, as a tardy submission to fear. Surely this example of resistance to an association was not encouraging, and he hoped that Parliament, grown wise by experience, would not now be guilty of a similar error. He was happy to be able to infer from what the right hon. Baronet had this night said, that he was prepared to deal promptly and efficiently with the Corn-laws, and that he would not again fall into the fatal mistake which he formerly committed by legislating directly against the agitation which arose from an intolerable grievance, and which, to use the strong and eloquent words of Lord Plunket, when speaking on the Emancipation Bill was, "the spawn of your own wrong."

Sir *R. Peel*, in explanation, said, s an hon. Member opposite had referred to an opinion quoted by him last Session on the subject of the burdens on land, he begged to read the passage. It was as follows:

> "On the subject of these peculiar taxes, such as tithes, poor-rates, and perhaps one or two other taxes, all of which tend to raise the price of corn and equally of other raw produce, in the degree in which those taxes press upon the production of corn here, ought to be the tax on its importation."

Mr. *Blackstone* rose for the purpose of rebutting an assertion made by the hon. Member for Manchester (Mr. M. Gibson). The hon. Member said he had received a letter, purporting to come from a Mr. Brown, secretary to the Society for the Protection of British Agriculture, in which he invited the Anti-Corn-law League to join the society in a joint crusade against the public creditor, the letter being dated Wigmore-street. Now, he had been a member of the society from its first formation, and a member of its committee, and he solemnly assured the House that the Mr. Brown referred to never was in any way connected with the society, either as a member or as its secretary. He believed, however, that he could state to the House that on the formation of the society a few years back, Mr. Brown did intrude himself on the society, and did, for one day, put himself forward as acting secretary of the society. That, however, was an intrusion—he was told that he was not wanted, and not appointed, and that he had better retire from the room. It was very likely that that gentleman might, after his expulsion from the society, have gone to Wigmore-street, and might have written that letter; but the rooms of the society were in Regent-street, and they never had any connection with Wigmore-street. Whatever letter, therefore, Mr. Brown might have written from Wigmore-street, was on his own authority and not by order of the society. He was glad the right hon. Baronet had taken occasion to-night to tell the House, as far as he could understand what had fallen from the right hon. Baronet, that it was his determination to maintain the present Corn-laws. He (Mr. Blackstone) had had some experience out of doors, and he felt assured, that that declaration of the right hon. Baronet would be most satisfactory to most of the agricultural interest. He trusted, too, after that declaration, that there would be no more tampering with the law this year, and that that slight threat which had been held out with respect to a free importation of American wheat through Canada would not be followed up.

Sir *R. Peel* said, the last few words of the hon. Gentleman made him very anxious to guard himself against misapprehension. With regard to the Canadian duties on American wheat, his noble Friend the Secretary for the Colonies had stated what the intention of the Government was with regard to the Canadian duties on American corn, in case the answers to certain queries which had been put to the Canadian Legislature should be satisfactory. Of course, in what he stated regarding his determination to maintain the existing Corn-law, unless proof were afforded of a necessity for its alteration, he had said so with a full reservation of the intention of the Government with regard to Canada, as expressed by his noble Friend.

Mr. *Milner Gibson* said, the hon Member for Warrington had risen to contradict and rebut what he had said as to the Society for the Protection of British Agriculture. He scarcely thought the word "contradict" could be properly applied to what had fallen from the hon. Member. He adhered strictly to his original statement, which, even on the showing of the hon. Member himself, was perfectly accurate. What he said was, that a letter had been received by the Anti-Corn-law League, signed by Robert Brown, the secretary of the Society for the Protection of British Agriculture, in which letter it was proposed that the Anti-Corn-law League should join the Agricultural Society in a joint crusade against the fundholders. The hon. Member himself admitted that Brown had, as he stated it, intruded himself into the society. Now, did any man ever hear of such a thing as a person intruding himself on a society as their secretary? He believed that the letter had been put forth as a sort of feeler.

Mr. *Brotherton* said, that as several hon. Members were desirous of addressing the House on this subject, he begged to move the adjournment of the debate.

Colonel *Rushbrooke* was understood to say that a person of the name of Brown had been employed as secretary to the Agricultural Protection Society, but he was the most refractory secretary they ever had.

Lord *Henniker* said, the hon. Member for Manchester (Mr. M. Gibson) had stated that the Members for Suffolk entertained similar opinions to those promulgated by Mr. John Brown. He wished to know what authority the hon. Member had for making this statement?

The *Speaker* put the question that the debate be adjourned.

Mr. *Hume* said, that after the discussion which had taken place, and after the speech of the right hon. Baronet opposite, it would be a waste of time to adjourn the debate. During three parts of the evening the benches had been comparatively empty, and hon. Members who wished to take part in the discussion ought to have been there earlier. Although the subject had not been discussed in the manner he had expected, he thought the debate ought not to be adjourned.

After some conversation, Mr. Brotherton's motion was withdrawn. On the question being put,

Mr. *C. Villiers* said, that as the hon. Member for Manchester had appealed to him to vouch for the accuracy of certain statements which he had made with reference to the proceedings at a public meeting in the county of Suffolk, he would do so. Complaints were made of some misrepresentations on the part of a person named John Brown, but he thought he could shew that John Brown had not been very well used by some hon. Gentlemen, and especially by the hon. Members for Suffolk, who repudiated his connection and opinions. He had, as his hon. Friend, the Member for Manchester, had said, informed him of certain things which had occurred at a time when the price of wheat was low, and when agriculturists were angry in the county of Suffolk; and if he had time, he might acquaint the House with what had been said and done by certain other agricultural Gentlemen, Members of the Conservative party, who now attacked the Anti-Corn-law League. But he would reserve that for a future occasion. He would only inform the House of certain projects entertained under the circumstances to which he referred by the East Suffolk Agricultural Association to improve their property. [Several hon. *Members:* When?] When? when wheat was low. What he was about to mention, took place at a period when, on the average for the whole year, wheat was 39*s.* per quarter. The East Suffolk Agricultural Association then held a public meeting, at which Sir C. B. Vere presided, at which it was proposed to send delegates to London, to meet the delegates there to be assembled from all the agricultural associations. And what took place at that meeting? He could tell the House what was said by the secretary at that meeting. [An hon. *Member*: What is his name?—John Brown?] He did not know the secretary's name, but he dare say it was John Brown, for he stated on the part of that meeting:—

> "That the agriculturists had petitioned Parliament so often, and received so little attention, that they began to entertain but one feeling—that petitioning alone would not do."

This meeting was held in June; and as prices, he presumed, did not improve, another meeting was held in July, at which a petition was agreed to, and resolutions were passed that the Members for the county should be instructed to move, that the supplies be stopped until her Majesty's Ministers adopted some measures for the relief of the agriculturists. To shew, however, that this spirit was not confined to Suffolk, he would read an extract of a letter from the secretary of the Central Association in London, addressed to the Corresponding Association, with which it was affiliated. He told them:—

> "That they must effect a change in the present system of acquiring wealth, a system abounding in fraud. The productive classes must be compensated for the capital which the currency measure of 1819 had been the means of unjustly abstracting from them: they would no longer consent to contribute to the supplies of the Stock Exchange; they would not uphold a system which had preyed on the vitals of the country for twenty years, and made the industry of the country the means of impoverishing itself, while it had enriched the speculator."

That was the language of this refractory secretary, as he was called by the gallant Colonel, and whose views were so indignantly repudiated. He should like to know how the dividends were to be paid if the supplies had been stopped? He did not know why the agricultural gentlemen had quarrelled with their secretary; he appeared to him to be a very faithful one. What his hon. Friend, the Member for Manchester had said, then, must go forth uncontradicted, that there was a plan, when agricultural Gentlemen and Members were uneasy and suffering under low prices, for tampering with the currency, if not for dealing with it in a manner by no means consolatory to the public creditor. Therefore, without detaining the House further, but referring to the amendment before the House, he would just advise the hon. Member for Dorchester, before he attacked the much more innocent Corn-law League again, to look at home. That seemed to be the proper answer to his motion. With respect to what had fallen from the Government upon the motion of his hon. Friend, he must observe, that while reference was made to those peculiar burdens which had always been alleged as the grounds upon which alterations in the Corn-laws were resisted, there was another part of the motion, of which not a word was said—namely, that relating to exemptions with which the interest had favoured itself, and which seemed to him to be a subject that might be made a matter of instant inquiry before a committee. No doubt the right hon. Baronet felt, that when he confined what he said to the inquiry into the burdens, he said not one word about the exemptions, which were wholly indefensible and only to be accounted for, by that House having the power to help themselves, and acting as people generally do who enjoy that privilege.

Mr. *H. Fitzroy* said, that John Brown never was connected with the Agricultural Society as secretary, or in any other capacity; he never attended any meetings of that society, and the society would utterly repudiate any such sentiments as those ascribed to him.

Mr. *Darby* amidst cries of "Divide!" begged to confirm what the hon. Member for Lewes had said, expressed himself to the same effect.

Mr. *Ward* was of opinion that the hon. Member for Warrington thought of nothing but protection. The right hon. Baronet said a committee was not necessary, and that the object could be accomplished by official returns; he differed from the right hon. Baronet, and preferred a committee. He wanted to obtain such information as would hasten the conviction of the right hon. Baronet that the laws must be altered, so that he might fulfil his pledge that no false consistency should prevent him from acting upon that conviction.

Mr. Bankes's amendment was negatived without a division.

The House divided on the original question:—Ayes 133; Noes 232:—Majority 99.

List of the Ayes.

Ainsworth, P.
Aldam, W.
Armstrong, Sir A.
Bannerman, A.
Barclay, D.
Baring, right hon. F.T.
Barnard, E. G.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Bernal, R.
Bernal, Capt.
Blake, M. J.
Blake, Sir V.
Blewitt, R. J.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Busfeild, W.
Byng, G.
Byng, right hon. G. S.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Childers, J. W.
Christie, W. D.
Clive, E. B.
Cobden, R.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Dalmeny, Lord
Dalrymple, Capt.
Dashwood, G. H.
Denison, W. J.
Denistoun, J.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Ebrington, Visct.
Ellice, right hon. E.
Ellice, E.
Ellis, W.
Elphinstone, H.
Evans, W.
Ewart, W.
Forster, M.
Fox, C. R.
Gill, T.
Gore, hon. R.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Ld J. F. G.
Hanmer, Sir J.
Hastie, A.
Hay, Sir A. L.
Heathcoat, J.
Hill, Lord M.
Hindley, C.
Holland, R.
Horsman, E.
Howard, hon. C. W. G.
Howard, Lord
Howick, Visct.
Hume, J.
Hutt, W.
James, W.
Johnstone, A.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Leader, J. T.
Lemon, Sir C.
Macaulay, rt. hon. T. B.
Mangles, R. D.
Marjoribanks, S.
Marshall, W.
Mitchell, T. A.
Murray, A.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, J.
O'Conor Don
Ogle, S. C. H.
Oswald, J.
Paget, Col.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Philips, G. R.
Philips, M.
Plumridge, Capt.
Ponsonby, hon. J. G.
Protheroe, E.
Pulsford, R.
Ricardo, J. L.
Ross, D. R.
Russell, Lord J.
Russell, Lord E.
Scholefield, J.
Scott, R.
Shelburne, Earl of
Smith, B.
Smythe, hon. G.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thorneley, T.
Traill, G.
Tufnell, H.
Turner, E.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Wood, C.
Wood, G. W.
Yorke, H. R.

TELLERS.

Ward, W.
Gibson, M.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt.
Arkwright, G.
Ashley, Lord
Astell, W.
Attwood, M.
Baillie, Col.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Major
Bernard, Visct.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, T.
Burroughes, H. N.
Campbell, Sir H.
Cardwell, E.
Castlereagh, Ld. Visct.
Chapman, A.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hon. H.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Collett, W. R.
Colvile, C. R.
Compton, H. C.
Corry, right hon. H.
Cresswell, B.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Dawnay, hon. W. H.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Dowdeswell, W.
Dugdale, W. S.
Duncombe, hon. A.
Duncombe, hon. O.
East, J. B.
Eastnor, Visct.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Fox, S. L.
Fuller, A. E.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Graham, rt. hon. Sir J.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, Lord C.
Hampden, R.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Heathcote, G. J.
Heathcote, Sir W.
Henley, J. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Holmes, hon. W. A'C.
Hope, hon. C.

Hope, A.
Hope, G. W.
Hornby, J.
Hughes, W. B.
Hussey, T.
Irton, S.
Jermyn, Earl
Johnstone, Sir J.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knight, H. G.
Knight, F. W.
Lawson, A.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, J. H.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, W. F.
Mc Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
Martin, C. W.
Marton, G.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. John
Miles, P. W. S.
Mordaunt, Sir J.
Morgan, O.
Murray, C. R. S.
Neeld, J.
Neeld, J.
Neville, R.
Newdigate, C. N.
Nicholl, right hon. J.
Norreys, Lord
Nothland, Visct.
O'Brien, A. S.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Pollington, Visct.
Praed, W. T.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rose, right hon. Sir G.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Seymour, Sir H. B.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, T. E.
Tennent, J. E.
Thompson, Mr. Ald.
Tollemache, J.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. Rice
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.
Wilbraham, hon. R. B.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Wyndham, Col. C.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, Mr. H.

PLAYERS OF INTERLUDES.] Mr. *T. Duncombe* moved for leave to bring in a bill to repeal so much of the 10th George 2nd, c. 28, as relates to common players of interludes, and to make other provisions in lieu thereof. He had framed his bill partly on account of the severity with which the statute of George 2nd had been lately enforced at Liverpool. The same thing had been done here twenty-two years ago, when the proprietors of the patent theatres summoned the managers of the minor theatres to Bow-street, where the magistrates refused to inflict the penalties, but upon application to the Court of King's Bench, Lord Ellenborough said, that the magistrates had no discretion under the act, and that the full amount of penalties must be inflicted—that was to say, 50*l.* for every night that an actor acted without a license, or six months' imprisonment; one-half of the penalty to go to the informer, the other half to the parish. At present the magistrate had no discretion, but must inflict the whole of this very heavy penalty, nor had the Crown any control as to the imprisonment. He proposed to give the magistrates some discretion, and the Crown some control.

Leave was given.

The House adjourned at a quarter past one o'clock.

HOUSE OF COMMONS,

Wednesday, March 15, 1843.

MINUTES.] BILLS. —*Public.*—1°. Drainage of Lands; Consolidated Fund.

Private.—1°. Hull Waterworks; Liverpool Docks; Belfast and Cavehill Railway; Schoolmasters' Widows' Fund (Scotland); Borrowstounness Harbour and Improvement; Berwick-upon-Tweed Corporation; Dundee Harbour.

2°. Faversham Navigation; Wexford Harbour; Neath Harbour; Rochdale and Manchester Road; Northern and Eastern Railway (Newport Extension); Plymouth Roads.

3°. and passed:—Warwick and Leamington Union Railway.

PETITIONS PRESENTED. By Mr. Leader from Westminster, for the Repeal of the Rate-paying Clauses of the Reform Act.—By Lord Adare, from Limerick, Killfree, Tubbabrien, against the Irish Poor-law.—By Mr. Aglionby, from Manchester, North Meols, Penrith, St. David's, Wigtown, Cambridge, and Tenbury, against the Ecclesiastical Courts' Bill.—By Mr. T. Duncombe, from Individuals confined for Riotously Assembling, for Commutation of their Sentence.—From Colchester, Hitchin, and Southampton, against portions of the American Treaty.—From Steeple-Bunnystead, and Toppesfield, against any further Grant to Maynooth College.—From Hinckford, Harlow, Bridgewater, Carnarvon, Marchia, Llanrhaiadr-yn-Mochnant, Melverley, Llanystindwy, Llanyblodwel, Criccieth, Llanenddwyn, Llandanay, and South East Droxford, against the Union of the Sees of St. Asaph and Bangor.—From Chipping Wycombe, and George Stonier, against the Income-tax.—From Dublin, for Altering the Law of Local Taxation in that City.—From the Rev. John William Butt, against the New Poor-law.—From the Medical Association of Ireland, against the Medical Charities (Ireland) Bill, and from Ballygar, in favour of the Same. From Hubberston, for the Repeal of the Roman Catholic Relief Act.—From Westminster, for Amending the Reform Act—From Craigend Colliery, against the Mines and Collieries Act.—From Leeds, against Lord Ellenborough's Proclamation.—From Maryport, against the Laws affecting the Merchant Seamen's Fund.—From New Monkland Collieries, for Altering the Plan of Weighing their Work.—From Climping, and Barnham, for the Repeal of the Malt-tax.—From Aldborough, Boroughbridge, Minskip, Roecliffe, and Lower and Upper Dunsforth, for Church Extension.

THE TARIFF—IMPORTATION OF AMERICAN MEAT.] Mr. *Grogan* begged to put a question to the right hon. Gentleman the Vice President of the Board of Trade on the subject of the importation of American salted meat into the ports of this country. He had received information that such meat, which had been cured in the United States, was conveyed in large quantities into Canada, and thence shipped to this country under the name of Canadian provisions. He understood that a great deal of American salted meat had been imported into the port of Liverpool. He begged to ask the right hon. Gentleman whether this were done with the knowledge and concurrence of her Majesty's Government.

Mr. *Gladstone* had not received any information on the subject, but he was sure that the statements upon which the question of his hon. Friend were founded must be incorrect. At least they were in direct contradiction to the decision to which the Government had come. The Government had decided, and it was so provided in the Provisions Bill, that provisions which had undergone any part of the process of curing, in any country, should be considered as the produce of that country, and not of the countries from which it should happen to be directly imported. In order that meat should be admitted into this country as Canadian, it was necessary that every part of the process of curing should have taken place in Canada, and Government had given strict instructions to the revenue officers to that effect. If, however, the hon. Gentleman wished for any official information on the subject, there would be no objection to give him any returns which he might wish to move for with a view to that information.

IRISH MEDICAL CHARITIES.] Mr. *French* moved that the Irish Medical Charities bill be referred to a select committee.

Sir *D. Norreys* begged to ask the noble Lord, the Secretary for Ireland, whether any arrangement had been made on the subject, between him and the hon. Member for Roscommon, which would have the effect of precluding any discussion on the principle of the bill previously to its being committed?

Lord *Eliot* said, that although he did not approve of the present bill, yet as the subject was of great importance, and regarded with much interest in Ireland, he consented that the subject should be referred to a select committee; holding himself perfectly free to give any opposition to the further progress of the bill, should it come out of committee in its present shape; but he would suggest to the hon. Gentleman to withdraw it for the present, to give time for further consideration,

Mr. *French:* the noble Lord the Secretary for Ireland had assented a day or two back to this bill being referred to a select committee. He had communicated this arrangement to the different Irish Members who were anxious that the bill should pass into a law. Those Members, he had no doubt, would have been in the House at that moment but for the intimation that had been conveyed to them. This was doubly unfortunate, as the very few Irishmen who were opposed to this bill, such as, for instance, the hon. Members for Limerick and Mallow, were present. To his great surprise the noble Lord the Secretary for Ireland had just communicated to him the objection entertained by the right hon. Baronet the Secretary for the Home Department to his pursuing the course agreed on between them; and his wish that the report of the commissioners on the state of the medical charities in Ireland should be referred to the committee in place of the bills introduced by him—that that committee should report on what principles an act for the better regulation of the Irish medical charities should be founded. He had, in the House and out of the House, declared that he entertained no hopes of carrying a measure such as this, in opposition to her Majesty's Government, that he considered the subject one of such magnitude and importance—that it should be legislated for on the responsibility of Government, that his anxious desire was through means of a committee such as he proposed, to carry out the views of the medical profession, and to secure most important advantages to the public in such a manner as the noble Lord might consistently adopt and carry through Parliament. The bill before the House had received the sanction of medical men second to none in Europe, for personal character and professional ability—those in high practice in Dublin. He had that day presented four petitions in favour of the bill, one of which was from the medical association of Ireland. The college of surgeons had petitioned in its favour—so had, he had reason to believe, the college of physicians; and the apothecaries' company had likewise approved of the bill; it had the approval also of all the medical corporate bodies; it was supported by upwards of ninety Irish Members. Was the medical profession and the political representation of Ireland to be as nothing in the scale when weighed against the influence of the Poor-law Commissioners?—Was the opinion of Irishmen ever to have weight on the affairs of Ireland? or would the noble Lord act on the opinion of strangers in peference to those whose knowledge of Ireland was unquestionable, and to whose support he was indebted for the place he now held? He would accept the committee offered by the right hon. Baronet if he would undertake that its recommendations should be attended to by the Government. Hnwever, he would not waste his own time and that of others in such useless and unprofitable employment.

Mr. *Smith O'Brien* conceived that no support ought to be given by the Government to a bill differing so essentially as that proposed by his hon. Friend (Mr. French)from that introduced by the noble Lord. Medical relief was virtually a portion of the Poor-law and ought to be administered under the direction of the Poor-law Commissioners.

Sir *James Graham* thought that the question of inquiry into the state of the medical charities in Ireland was one well worthy the attention of the Government, and one which the Government ought to take up. A bill had been introduced on the subject last Session and during the recess inquiries had been instituted, and a report had been made. The accuracy of some of the facts alluded to in that report had been impugned, and it was necessary that further inquiries should be made on the subject? It would also be advisable that the decision of Parliament with regard to certain other legislative measures for the relief of the Irish poor should be known, before any Government measure for the regulation or the medical charities of Ireland should be introduced. The Govermment did not wish to shrink from the responsibility of dealing with the medical charities of Ireland and they were prepared to introduce a measure on the subject. They objected, however, both to the principle and the details of the measure proposed by the hon. Gentleman; but from courtesy they had not objected to his introducing his bill. There was however an objection to the bill being referred to a select committee; but there would be no objection to the appointment of a committee to inquire into the state of the medical charities in Ireland. That committee would conduct its inquiries while discussion might be going on in Ireland with regard to the other measure. He would suggest to the hon. Member, that he should postpone the further consideration of his bill to a distant day, and that he should give notice of a motion for the appointment of a committee to consider the subject of the medical charities of Ireland. If the hon. Gentleman would move for the appointment of such a committee, he (Sir J. Graham) would not oppose the motion.

Sir *Denham Norreys* said, that the medical charities was but a secondary consideration; the whole subject should be taken into consideration. Something must be done with respect to the present unsatisfactory manner of administering the Poor-laws. An investigation as to the medical charities, without taking into consideration the Poor-laws, would be most unsatisfactory. They ought to consider the Poor-laws before the medical charities.

Mr. *V. Stuart* recommended his hon. Friend to adopt the suggestion of the right hon. Baronet, and not press the bill further at present.

Mr. *French* said that he, before stating to the House the course he meant to pursue, wished to allude to some communications he had received from gentlemen, in reference to the statement which he had made on obtaining leave to bring in his bill. He had stated on the authority of the Poor-law commissioners, that the average expenses of fever patients in the Bray hospital was 4*l.* 14*s.* 11*d.* He had received through the medium of the hon. and gallant Member for Wicklow (Colonel Acton) a communication from Sir W. Crosbie, the treasurer, showing, that it amounted only to 1*l.* 8*s.* 3*d.* It had been satisfactorily shown to him (Mr. French), that the Poor-law commissioners had omitted a sum of 98*l.* 5*s.*, the purchase of a debenture, and further, that they had mistaken the figures 58 for 38. Doctor Nelson, of Killala, disputed the accuracy of the commissioners' report, and supported his statement by a document signed by the resident gentry of the neighbourhood. The medical officer of West Cove dispensary, in the county Kerry, was appointed after the report of the commissioners had been made, and, therefore, was not concerned in the transaction alluded to by the commissioners. On the contrary, the gentleman at present in charge of the dispensary was a man of high character, and gave the greatest satisfaction in the department which he filled. As to the course which he intended to pursue, it was to postpone the committee on the bill until the first Wednesday after Easter. In the meantime he would obtain the means of consulting the medical profession, and the general supporters of the measure, whether it would be advisable to adopt the suggestion thrown out by the right hon. Baronet the Secretary for the Home Department. He had no wish to obtrude on the House any opinion of his on the subject of the Irish Poor-laws; but as his hon. Friends, the Members for Limerick and Mallow, had taken upon themselves to state, that some satisfactory arrangement could take place, and that by altering some of the details of the present measure it could be made to work beneficially, and become popular, he (Mr. French), under those circumstances, felt bound to state, as his opinion, that it would take forty thousand English bayonets to collect the rates, to support the present system of Poor-laws in Ireland.

Bill to be committed after Easter.

DOGS EMPLOYED IN DRAWING.] Mr. East moved the committal of the bill to prevent the employment of dogs in drawing carts, and as beasts of burthen.

Mr. *Barclay* rose, pursuant to the notice he had given, to move an amendment, "that the bill be committed that day six months." It appeared to him, that the bill was an arbitrary and an aristocratic measure. In such a place as London, with its dense and crowded population, he would admit that Parliament might not unfairly be called upon to legislate on the subject of employing dogs as beasts of draught and burthen, and in fact Parliament had limited its enactment on that subject to the metropolis and its vicinity; but the bill before the House went greatly beyond that, and proposed that the use of dogs for the purposes already stated, should be prohibited in every part of England and Ireland. This, he must say, was an uncalled for and an unnecessary violation of the rights of a large class of humble dealers by whom dogs were used. The parties using them for purposes of drought were generally knife-grinders and hawkers of various small wares through the country and in towns; the aid of dogs were found very useful to bakers, butchers, and other traders. The prohibition of this aid from dogs was not justified on the plea that so employing them was cruel, but if hon. Members went that length for the purpose of preventing what they considered cruelty to dogs, why not carry out the application of the principle somewhat further? What would those hon. Members think of seeing a foxhound tied to a tree and there unmercifully whipped because it had run after a hare instead of a fox? From cruelties of this kind, or of any kind, the dogs employed by such small dealers as he had mentioned were wholly exempt. Indeed, so far from being subjected to ill usage, they were treated with kindness and affection. [*A laugh.*] Hon. Gentlemen might laugh at it, but he would repeat that it was so. The dog often slept on the same bed with his master, was fed at the same board, and in fact, this friendly intercourse caused an affectionate attachment to grow up between the dog and his master, and the relation in which they thus stood tended to civilize the one and the other. But he objected to this bill not alone with reference to the dogs. He contended, that it would be doing great injustice to that humble class of traders who travelled about the country to vend their wares, but who, by this bill, would be thrown out of employment, because they could not continue their business without the assistance which they were accustomed to derive from their canine fellow-labourers. [*Laughter.*] The subject might be a subject of derision and laughter to some hon. Gentlemen, but in those who would be deprived by the bill of the valuable services, the comfort, and assistance of their dogs, such treatment was calculated to excite sentiments of any thing but respect for the legislation of Parliament. He did hope, that the House would hesitate before they deprived a numerous body of little traders of the comfort and assistance of these valuable animals. The hon. Member concluded by moving his amendment.

Mr. *Hume* asked what documents there were before the House justifying this legislation?

Sir *R. H. Inglis* said, the motion with which the hon. Gentleman (Mr. Barclay) ought to have concluded was to repeal so much of the Metropolitan Police Act as forbade the use of dog-carts within fifteen miles of Charing Cross; for if it were right to legislate so for London and the environs, it was right to legislate on the same principles for the rest of England—for Manchester, for Liverpool, or for Sunderland. It ought to be remembered that a measure of precisely the same kind passed the House of Commons two sessions ago, and it was only owing to peculiar circumstances that it was not renewed last Session. He supported the motion for the committal of the bill.

Mr. *Grantley Berkeley* reminded the House, that if this bill passed, all the dogs now employed would be inevitably killed; the present was the season for house lamb; and if so many dogs were to be destroyed, people must be very careful what they purchased.

Mr. *Hume* saw no ground for interferance in such trifling matters when there were so many more subjects worthy of legislation, and imperatively requiring it. It was much more important to legislate for men than for dogs.

Lord *A. Lennox* said, he was earnestly in favour of this bill, in which his constituents felt great interest. The hon. Member for Sunderland (Mr. D. Barclay) had said that there was no great cruelty used to these animals. Perhaps that might be the case among the hon. Member's constituents, but in Sussex, where he lived, he could assure the House it was very different. There, he knew that dogs were compelled to drag carts twenty, thirty, forty, and even fifty miles a-day. He supported the bill with the greatest pleasure.

The House divided on the question that the words proposed to be left out stand part of the question, Ayes 129; Noes 35: Majority 94.

List of the AYES.

Acland, T. D.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Allix, J. P.
Arkwright, G.
Armstrong, Sir A.
Baring, right hn. F. T.
Barnard, E. G.
Barrington, Visct.
Baskerville, T. B. M.
Beresford, Major
Broadley, H.
Brotherton, J.
Burroughes, H. N.
Byng, G
Byng, right hon. G. S.
Cardwell, E.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Chute, W. L. W.
Colquhoun, J. C.
Compton, H. C.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Cripps, W.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncombe, T.
Duncombe, hon. O.
Eastnor, Visct.
Ebrington, Visct.
Egerton, W. T.
Egerton, Sir P.
Evans, W.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Flower, Sir J.
Forbes, W.
Fremantle, Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone, Capt.
Glynne, Sir S.
Gore, W. R. O.
Gregory, W. H.
Grimston, Visct.
Hale, R. B.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Hardy, J.
Hatton, Capt. V.
Hay, Sir A. L.
Heathcote, Sir W.
Henniker, Lord
Hepburn, Sir T. B.
Hervey, Lord A.
Hindley, C.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Howard, hon. C.W.G.
Hughes, W. B.
Irton, S.
Johnstone, Sir J.
Lascelles, hon. W. S.
Lennox, Lord A.
Lincoln, Earl of
Lowther, J. H.
Lygon, hon. Gen.
Mackinnon, W. A.
Mc Geachy, F. A.
Mahon, Visct.
Manners, Lord J.
Marjoribanks, S.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Morgan, O.
Morris, D.
Neeld, J.
Neeld, J.
Newdigate, C. N.
Nicholl, right hon. J.
Norreys, Lord
O'Brien, W. S.
Ogle, S. C. H.
Pakington, J. S.
Palmer, R.
Patten, J. W.
Pechell, Capt.
Peel, J.
Plumridge, Capt.
Praed, W. T.
Pringle, A.
Protheroe, E.
Pusey, P.
Rolleston, Col.
Rose, rt. hon. Sir G.
Round, C. G.
Rushbrooke, Col.
Russell, C.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Somerset, Lord G.
Sotheron, T. H. S.
Sutton, hon. H. M.
Tollemache, J.
Trench, Sir F. W.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Waddington, H. S.
Winnington, Sir T. E.
Wodehouse, E.
Wood, G. W.
Worsley, Lord
Wynn, rt hn. C.W.W.
Young, J.

TELLERS

East, J. B.
Inglis, Sir R. H.

List of the NOES.

Aglionby, H. A.
Arbuthnott, hon. H.
Baring, H. B.
Berkeley, hon. G. F.
Brownrigg, J. S.
Busfeild, W.
Colebrooke, Sir T. E.
Dennistoun, J.
Duncan, G.
Elphinstone, H.
Forster, M.
Graham, rt. hn. Sir J.
Grosvenor, Lord R.
Hallyburton, Lord J. F.
Hastie, A.
Hill, Lord M.
Howick, Visct.
Hutt, W.
Listowel, Earl of
Macaulay, rt. hn. T. B.
Mangles, R. D.
Marshall, W.
Matheson, J.
O'Brien, A. S.
Philips, M.
Ross, D. R.
Russell, Lord J.
Scott, R.
Stuart, W. V.
Strutt, E.
Towneley, J.
Tufnell, H.
Vane, Lord H.
Wilde, Sir T.
Wrightson, W. B.

TELLERS.

Barclay, D.
Hume, J.

Bill passed through committee and ordered to be reported.

PRIVILEGE — PRINTED PAPERS — ADJOURNED DEBATE.] On the order of the Day for resuming the adjourned debate from Februrary 28th, on the question "that Sir William Gossett Knight, the Sergeant-at-Arms attending the House, have leave to appear and defend the action brought against him by Thomas Burton Howard for trespass,"

Lord *John Rnssell* said, that he was very unwilling to address the House upon a question of so much importance without the attention of the House having been called to its very great consequence; and, before he said anything, he begged that the second resolution, of the 30th May, 1837, might be read by the clerk.

The clerk read the following resolution:—

> "That by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges, and that the institution or prosecution of any action, suit or other proceeding, for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament, is a breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon."

Lord *John Russell* contiuued: if he rightly understood the course proposed by the hon. and learned Gentleman the Solicitor-general, in this case it was that after the House of Commons had come to the resolution which had been entered on its journals, "that to bring its privileges into discussion, before any court elsewhere than in Parliament, and that "for any court or tribunal to assume to decide upon matters of privilege inconsistent with the determination of either House of Parliament is a breach and contempt of the privileges of Parliament;" after having passed that resolution, the House if he understood the hon. and learned Gentleman's proposal was not only to plead to the action commenced against the officers of the House for the execution of the orders of the House, but the House was to rest satisfied with the result of the proceeding, and was to allow persons acting in direct breach of the privileges of the House, and of the resolutions to which the House had come, to go on and to take no notice of the proceeding, or to consider it otherwise than as an ordinary matter. He thought that this statement alone showed the very great importance of this question, and he was sorry to say that the way in which the question was brought forward, and the state of the attendance that evening, showed that it hardly attracted that attention which its importance deserved. It might be right to take the course proposed by the hon. and learned Gentleman the Solicitor-general—it might be right to abandon to the courts of law the decision of the privileges of that House, but it could not be right to do so in this quiet and silent manner, leaving not only upon their journals the precedents of the best times of the constitution, but this latter resolution, that persons proceeding in the courts of law were acting in violation of the privileges, and would incur the censure of the House. He thought that this question should have been brought forward in a more solemn manner, and that the hon. Gentleman should have not only proposed to plead to the action, but that he should also have moved for the appointment of a select committee, or otherwise to have altered the resolutions which stood on their journals, or the mode of proceeding. There had been various cases in which the House had thought proper to plead. In the last case the plaintiff was the very person who was now proceeding against the Sergeant-at-Arms and the messenger. In that former case he had understood that his noble Friend (Lord Campbell), the late Attorney-general, had had a statement made to him, which was also communicated to the right hon. Gentleman now Lord Chancellor of Ireland (Sir E. Sugden), but who was then a Member of that House, that proceeding was only for an excess in the execution of the orders of the House, and that the plaintiff therefore sued the person who had entered his House for damages. His hon. and learned Friend the Member for Worcester (Sir T. Wilde) had always contended that with respect to such cases the House ought always to keep its power within itself. He did not know that Lord Campbell went to that extent, but he made a proposal that the courts of law should decide the excess of damages. The present case, however, was of an entirely different nature, with respect to which neither he nor had the House, received any information to enable them to judge of the justness of the case. As he understood the statement of the Sergeant-at-Arms, it was that this was not a question of excess, or whether the warrant had been legally and duly executed, but whether the Sergeant-at-arms, acting under the authority of the House, had power to place in custody the party suing; the plaintiff denying the authority of the House, sought for damages for the execution of the Speaker's warrant. If such were the case, there certainly were precedents for pleading. They had the case which had been referred to by his hon. and learned Friend (Sir Thomas Wilde), of Burdett *v.* Abbott, where the House had decided, although against the opinion of those best acquainted with the subject, among whom was the right hon. Gentleman the Member for Montgomeryshire (Mr. W. Wynn), that it was proper to plead. The advice given by Mr. Ponsonby, at that time a member of the House, was to plead, but, at the same time, to proceed against the plaintiff, and all the parties to the action. The statement of Mr. Ponsonby was, that he believed, that in olden time, the Speaker wrote a letter to the judge, in order to inform him judicially that this was a matter of privilege, and that the Sergeant-at-Arms, or officer, had acted under the orders of the House, and then, that the judge would have taken notice of the letter; but Mr. Ponsonby said, that the judges then sitting, would take no notice of the letter, but would proceed as if the letter had not been written. He believed, that whatever the proceedings might have been in the olden time, such would not now be the course of the Court of Queen's Bench. He believed, that if the Lord Chief Justice of the Queen's Bench, or any judge of any court, should receive a letter from the Speaker, stating that the commitment was by order of the House, that letter would not receive any attention from the judge. That was hi belief, and that fact must be taken into consideration in the course they were about to take. Another case was brought before the House immediately after the resolution to which he had referred. That resolution was passed on the 30th of May, 1837, and on the 8th of June following, the Attorney-general proposed to the House to plead to the action which was commenced. He (Lord John Russell) did not wish to state the question unfairly either way. It was a question of great difficulty, and he would rather call the attention of the House to the difficulty than say that one course was evidently right, or that the other was evidently wrong. Eight days after the passing of that resolution, the Attorney-general having, by his desire, consulted several Members of the House, who were of the profession of the law, without any consideration of party, the House had pleaded to the action, on the principle that the courts of law could not otherwise be aware, unless formally and regularly informed, that this was a matter of privilege. If the House had not pleaded, the judge could not know that it was a matter of privilege. The judgment would be given for the plaintiff, and the proceeding would be the same as in a common action to which there was no defence. The right hon. Gentleman, now the First Lord of the Treasury, had then stated, that he was very sorry to find that such was the case; he did not know the technicalities of the courts of law, but he had hoped that it was not necessary to plead, and he considered, that the case of Burdett *v.* Abbott, so far from having laid down a precedent which ought to be followed, would be a precedent to show, that the House ought to be the judges of their own privileges: that this was part of the law of Parliament, and that they ought to proceed in similar cases without pleading in any court of law. In a subsequent case there was no pleading; judgment was allowed to be entered for the plaintiff. The jury had to assess the damages; and, in 1840, he had to propose the committal of all parties to the action, and the sheriffs, who held the amount of the damages in their hands. The right hon. Gentleman stated, that he regretted the course which had been pursued in the former case of pleading to the action; and that the House was in a false position from this pleading. However, these cases showed obviously and clearly the difficulty in which the House was placed; because, having pleaded to the action, they were liable to the objection that they went to the courts of law—that they appeared before those courts to ask their decision, and that they ought to be bound by it. If, on the contrary, they had not pleaded, they would bring into trouble parties who, at the beginning, were entirely innocent of the intention of offending against the privileges of the House. He had thought it his duty to move for the commitment of these persons; still he could not but now feel how ill their privileges appeared before the public, when the House took this course against parties who were not in the first instance guilty. The position of the sheriffs was this—having been accustomed to obey the courts of law, being liable to a commitment by the Court of Queen's Bench if they had not made the levy, and paid over the money in eight days; and being threatened by the House of Commons, that if they did pay over the money, they would be liable to a commitment by the House of Commons, he believed that the sheriffs, not intending to offend either the House of Commons or the court of law, their obedience to the courts of law being usual, and the privileges of the House of Commons not being usual, that they took the not extraordinary course of paying obedience to the courts of law. He believed, that his hon. and learned Friend, the Member for Worcester, could not point out any course to avoid difficulties, or to free the House from difficulties, and embarrassing difficulties, if they now took the course pursued in former years. If they did not plead, of course the judgment would be against them, the damages would be assessed, the House would have to proceed to the committment of persons who assessed the damages; they might be kept for a certain term, the usual course would be to the end of the Session, and then they would be released. But would the House proceed next Session to imprison these parties again? What would be the state of public opinion if they did? Such were the difficulties if they resolved that they would not plead. He owned then that he saw great objection to the course recommended by his hon. and learned Friend. Still the matter they had to determine was, whether, instead of retaining the power of determining the existence and the extent of their own privileges, that should thereafter be transferred to the courts of law. He could not see any other limit to the course in which they were now proceeding. It was said, to be sure, that as often as the courts of law were appealed to, they would respect the privileges of the House as part of the law of the land. No doubt, to a certain extent, they would support those privileges, just as they would support the magistrates sitting at quarter sessions and in petty sessions. No doubt the Queen's Bench would consider the privileges as established, if they were governed by law; but they would overrule the exercise, just as they exclusively determined the power of the magistrates at the quarter sessions, and the power of magistrates at petty sessions, and curbed and checked their excess, so would they think, at some time or other, of curbing and overruling the power of the House. But, setting aside for a moment the assumption by the House of Commons of the power of determining every question concerning its own privileges, what power did the higher courts exercise under similar circumstances? Let them take the Court of Chancery, and the decision of various judges with respect to actions brought against persons in courts of justice for matters resulting from the Court of Chancery. That court had stopped the actions; it issued injunctions with the intention of stopping them. This power of the Court of Chancery had been asserted by a succession of chancellors. It was asserted in the case of Lord Bathurst, it was asserted by Lord Eldon, and in a subsequent case by Lord Lyndhurst, and in another case again by Lord Brougham—all asserting the opinion of Lord Eldon, that although this was a strong power, it was one without which the court could not exist. With respect to the Court of Exchequer, its power to prevent actions being brought in the Queen's Bench had been asserted repeatedly. They had the elaborate judgment of the Chief Baron Eyre, and the reason which guided that judgment. They had also a similar assertion of this power by the Court of Exchequer in cases of revenue. But let them consider that the assertion of the privileges of the House of Commons was far more apparent than the powers of the Court of Queen's Bench, of the Courts of Chancery, or of the Exchequer. With respect to the Court of Chancery or of the Exchequer, the matter was little more or less than whether certain cases should be brought before particular judges. But the House ought to consider that the other House of Parliament was the check, and the only check, on the misconduct of the judges. They should therefore consider the advantage which would be gained by the courts of common law if they were able to over-rule the authority of the House of Commons, and to check the exertions of its privileges. His hon. Friend the Member for Finsbury (Mr. T. S. Duncombe) had proposed the other night to inquire into the conduct of one of the judges. The majority of the House of Commons had not thought that the grounds were sufficiently strong: but the majority might consider that the case was so strong of a mal-administration of justice, that it was necessary to direct an inquiry to be made, and to examine witnesses. With regard to the individuals who might be brought forward for examination, would it not be important that the House should be the judge of its own power? What would it be if one of the witnesses, in order to screen the judge, should prevaricate at the bar, and the House, in the exercise of its privileges, should, as it had often done, commit the witness? If they yielded their privileges to the courts of law it would be of great advantage to that judge: he might set that witness at liberty; he might say that the House had exercised its power unduly, and then the judges might be screened from the interference of the House. Therefore it was by no means a matter of light consequence on which they had to decide. Not only would the influence be lost in this particular case, and in others which might follow, but if the judges could thus proceed to enlarge their jurisdiction, and contract that of the House, the power of the House, so circumscribed, would not be of the utility it was destined to be. Let the House observe, that since the case of "Burdett v. Abbott," there had been a great increase of assumed power on the part of the courts of law. Let them look at the judgment of Lord Denman in the last case, and they would find that, so far from adhering to the precedents of former judges, the law, as declared by Sir W. Blackstone, by Chief Justice De Grey, and by Lord Camden, was to be considered only as dicta of no weight, or rather as proceeding from the well-known improper deference of those judges to the privileges of the House of Commons. They were told that one judge was a political partizan; that another, Lord Kenyon, had judged rashly and hastily; and that, instead of being obeyed, their judgments should be set aside as not good precedents to be followed. If this were the case, he did not think that they could rely upon what had been decided in former times by the courts of law. The House should not imagine that they were quite safe because they could quote the judgments in the House of Lords upon the privileges or the judgments of learned judges recognising and approving of its privileges, and stating that of the extent of those privileges, of the question whether the warrant is formal or not, we (the Lords) are the judges, and the only judges, whether we have executed our own intentions. He did not think that any declaration of this kind would tell in favour of that House hereafter, if it determined in every case that came before it to take no notice of the parties and their proceedings, but to plead in the courts of law. Seeing all the difficulties in this case, without, he confessed, seeing any good way of avoiding them—seeing that they had not the power which the House of Lords exercised with such powerful effect, and, without contradiction, he was disposed to say that they ought not to allow the plaintiff in this action to be entirely free from examination, and such proceedings as this House may think it necessary to adopt. He believed that, when they examined with regard to other cases, the present plaintiff, who was then one of the accessories in carrying on these actions, one of the subordinate persons engaged in carrying on the trial, the House thought it necessary to commit him, first, to the custody of the Sergeant-at-Arms, and afterwards to Newgate. He now appeared in the character of plaintiff, and as he supposed, directly questioned the authority of the House. Would it not then be a very great retreat from the former position of the House, if when a subordinate they committed him, and now that he was a principal, they should take no notice of his breach of the privileges of the House? [Sir *R. Peel*: He was the principal when he last appeared at the bar.] He thought it had been another. He thought the present plaintiff was the son. [Sir *R. Peel:* No; it is the same plaintiff.] He was, therefore, inclined to say, that their first proceeding ought to be to call this person to the Bar of the House, to inquire from him what was the ground of his action against Sir W. Gossett, and whether he proceeded, as it was stated he did in the former case, against some excess of the lawful authority of the House, or whether he questioned the validity of the warrant and disputed altogether the authority of the House. It might be, and it was consonant with what had happened in other cases, that after hearing his statement, they should inform him that the proceeding which he had taken in this case was a breach of the privileges of the House, that he would then, as others had done who had appeared before that and the other House of Parliament, desist from any further proceeding. Even, if the House thought proper to plead, which he did not say they ought to determine against, he still was of opinion, if it appeared that the plaintiff in the action was proceeding against the authority or privileges of the House, that it would be right to commit him. In considering the various ways in which they might assert the privileges of the House—although there were some persons who would seek for notoriety in order that their damages might be increased by having been made the object of so much public attention—his opinion was, that by far the greater part of those who might wish to bring such actions would be deterred from doing so by such an exercise of the authority of the House. He did not exactly remember what had occurred in the case of Polack, which took place in 1839; but, he believed, that person asserted that he did not mean to offend or question the privileges of the House, and such he thought would be the usual course pursued in ninety-nine cases out of 100. The House would undoubtedly be subjected in those cases to the inconvenience, as at present, of debating and discussing the propriety of committing those persons—that was to say the plaintiff, and all the agents and parties in the action. But he owned that it did appear to him that very great embarrassments and very great perils would be found impending over the House, if they were to take the decided course of not defending their privileges, but of submitting them to courts of law. It might be that the right hon. Baronet at the head of the Government had in his mind some clear course by which those dangers would be avoided. The right hon. Baronet might satisfy himself that the privileges of the House could be maintained, although they did nothing more than plead. But even in that case, he thought it would be necessary, either by the appointment of a committee or some other mode, to get rid of their present resolution, and make an assertion of that extent and authority only which they meant to exercise. That would place the House in a stronger position, although involving a retreat from its present resolution, than if, retaining that resolution, they declined to act up to it. Such were his impressions on the subject. He thought it was a question of too great importance to decide at once that the only course they would take would be to plead; and he therefore moved, " That Thomas Burton Howard be summoned to attend at the Bar of the House to-morrow."

The *Attorney-General* said, that the noble Lord had in a very fair and candid manner stated the difficulties and embarrassments that belonged to this question, and of these difficulties and embarrassments no one could entertain a deeper sense than he did. However unpopular it might be, he entirely adhered to the resolution which the House passed when this question was first submitted to their consideration. On that occasion he stated his opinion of the convincing argument which had been delivered to the House by the right hon. Baronet, at the head of the Government, and after the debates which then took place, he thought it scarcely possible for any constitutional lawyer to doubt the extent of the privileges which belonged to that House, or to doubt that the House was the sole judge of its own privileges; and if in any quarter, high or low, it was supposed that he had ever receded from that proposition, he begged to say that such a supposition was founded altogether in mistake, and that he continued to adhere to the opinions which had been so ably expressed by his right hon. Friend upon the occasion he had alluded to. But the difference between the course which it now appeared expedient to adopt for the assertion of their privileges, and that which had been assented to by, he believed, a majority of the House, was, in his mind, a very grave question. He thought, then, and he thought still, that it was not becoming in the House to deal with the question by committing the plaintiff, still less by committing attorneys' clerks, and sheriffs' officers. In his view of the constitutional privileges of that House, there was no danger from any of those attacks that these privileges could be substantially assailed, and that the House possessed quite constitutional power within itself, whenever it was necessary to resent any injury done to its privileges, to assert them. He said, moreover, that the House of Commons, possessing this power within itself, should not adapt its conduct to that of the courts in Westminster-hall, who were obliged to resort to commitment, because they had no other mode in which they could assert those rights. Before he presumed to state to the House the view which he took of this matter, and the course of proceeding that, in his humble opinion, ought to be adopted, he thought, perhaps, that the House would pardon him, if he said a few words with respect to the case of Howard *v.* Gossett. His hon. and learned Friend (Sir T. Wilde) he understood, had said in his absence, though in the most kindly spirit, that he had "surrendered the privileges of that House," in the mode by which he had conducted that case. He was sure, that his hon. and learned Friend would not make a charge in his absence, which he was not fully prepared to substantiate. His hon. and learned Friend, he was perfectly certain, would never, with respect to himself, whether he were present or absent, would never have even the remotest idea of making a charge, for which he did not believe that he had the most complete foundation; but he did think it right now to state that his hon. and learned Friend had created the impression to which he referred, by the statement, which on a former occasion had been made by him to the House. The only source he could have of hearing what had occurred during his absence in Lancaster was one from which he collected that his hon. and learned Friend had suggested that view of his proceeding to which he had just referred. Now, before the case alluded to had been tried, his hon. and learned Friend stated that he was disinclined to appear for the defendant, as he entertained views on the subject different from those entertained by himself. It was upon consultation that his hon. and learned Friend so expressed himself. The history of that case was very shortly this. When the action was brought of Howard v. Gossett, his noble Friend, the then Attorney-general, had imagined that the action was brought to determine the question of excess. And so it ultimately turned out. The action being brought, the plea as to the authority of the House was put upon the record. He believed that his hon. and learned Friend assented to that course on consultation. There was a demurrer to the plea, directly questioning the authority of the House. Then neither the late Attorney-general, nor his hon. and learned Friend came down to that House to state the condition of the pleadings; that it was not the excess that was to be tried; but that the direct authority of the House was called into question. Undoubtedly his noble Friend the late Attorney-general had confined the complaint to the excess; but when it appeared that it was not the excess, but the authority of the House that was called in question: he thought the matter ought to have been submitted to the consideration of the House. His noble Friend, however, had taken the correct view of the subject. The plea undoubtedly was settled on consultation with his hon. and learned Friend, who was consulted upon the subject. This then was the state of matters when he succeeded to the conducting of the case. Down to the time of the argument on the demurrer his hon. and learned Friend had not withdrawn. [Sir *Thomas Wilde*: No, no.] Well, then, he was not quite certain on that point; but his hon. and learned Friend had continued his assistance down to the last moment, and he only withdrew three or four days before the case came on to be argued. A doubt was suggested by the Court, as to whether they, for the defendants, had correctly placed the matter before the Court, so as to entitle them to its judgment. The Court offered them time to amend. The consequence was, that when the case came on, Lord Denman distinctly told the jury, that the authority of the House was admitted by the plaintiff. That was not an unimportant consideration for them, when deliberating upon the course which the House ought now to adopt. He then turned to the point of fact, and what was then proved? The defendants had gone to the House of the plaintiff Howard —they had searched the house from the top to the bottom. They were apparently taken to every possible place where the plaintiff could have been concealed. It appeared to be that the intention was to take them through the House, in order that the party might have a larger claim for damages. It appeared that the plaintiff was not in any part of the house, and the officers remained from nine o'clock until a late hour, and the plaintiff never returned. In the mean time, Mrs. Howard having some visitors, the continuance of the officers in the house was felt to be a grievance—they, too, remaining there for the purpose of arresting Mr. Howard: and thus it might be said converting Howard's own house into a trap to catch him. The opinion was taken of a gentleman of the bar; he declared that they had no right to remain there, and that if they did not leave they should be given into the custody of the policeman. This opinion was stated to the officers; they made a communication to some person, and they were advised that if their proceedings were not absolutely illegal, still it would be better for them to withdraw. Accordingly, they did, between one and two o'clock in the morning, withdraw. So the pleadings stated, and when he went into court to defend the case, he found that the first question to be determined was, whether the officers, under the warrant of that House, were justified in remaining in the dwelling of the plaintiff. He found there was no difference of opinion amongst the profession. In any other case, no lawyer could have a doubt. It could not be supposed possible that a person having a warrant, and going to a man's house to arrest him, and not finding him there, could have a right to remain in that house till he returned, it might be for hours, or for days, or for weeks, or for months. For any man to say that that was the law, would show but little experience, but little knowledge of the protection which the law gave to a man's residence, as his castle. When he found, then, that that was the state of the case, it appeared to him to be impossible not to admit that what the officers had done, whatever was their authority, had made them trespassers. Lord Denman distinctly laid down this proposition of law—that the officers were not justified. He emphatically told the jury that the matter they had to try was not the authority of the House, for that was covered by the pleadings—that the authority of no court could justify the officers in remaining in a man's house until he returned to it. He had suggested, as his opinion, that this was the law, as applicable to the case. He felt bound to state what was the result of his consideration of this matter, and it was that no question could arise on the validity of the warrant. He understood that the statement of his hon. and learned Friend the other night was, not that he had abandoned the rights of the House of Commons, in allowing a question as to the validuty of the warrant—the effect of what he had done, was, to use the expression of his hon. and learned Friend, that he had surrendered their rights in allowing a verdict to be given on a state of facts, which, if they believed the evidence, it was impossible for any man to justify, namely, that parties could, under a warrant of that House, go to any man's house, and remain there till he returned. It would, he confessed, have been more satisfactory to him, if he could have had the assistance of his hon. and learned Friend to the last moment. He admitted that his hon. and learned Friend had withdrawn from the case from a sense of delicacy, which it was impossible for them not to sympathise with. His hon. and learned Friend withdrew from a public appearance in the cause; and he did so only at the last moment. He had stated so much of the history of that case, and he now came to this, which related to an action brought, because it was supposed that excess had been committed. As to the question immediately before the House, the Solicitor-general had proposed that the House should plead to the action. The noble Lord opposite had suggested on the other side, that they should, before the House permitted a plea to be filed, call the plaintiff before them, in order that he might state what was his object in bringing the action. There was, however, no occasion for bringing the plaintiff to the Bar of the House, for the purpose of knowing what was his object. He would state to the noble Lord at once what he believed would be done. The object of bringing the action was to get as much money from the officers of the House as could be obtained; and if the plaintiff were brought to the Bar, and from thence sent to prison, the damages would be increased. And when the plaintiff came there, they might rely upon it, that he would be as insulting to the House as he possibly could be, for the purpose of provoking a committal. The noble Lord might depend upon it, that the plaintiff would so conduct himself as to appear to be the martyr of those, which many considered as the oppressive and tyrannical privileges of the House of Commons. In Howard v. Gossett, the then Attorney-general observed, that the action was brought for excess. No such thing occurred in the case of Burdett v. Abbott. It was avowed from the beginning by Sir Francis Burdett, that it was his object to try whether the House had the right to send him to the Tower. Let them suppose, then, that the plaintiff was brought there, why should they treat him differently from a Member of their own House? He had now to call their attention to what had occurred in that case. The late Attorney-general, in a very able and elaborate argument, of which it would be scarcely possible to speak too highly, observed, that from the time of the Revolution down to the case of Burdett, no action had been brought directly impeaching the privileges of the House. On that case the matter was referred to a select committee: that committee was composed of the first men of the day, of the most eminent constitutional lawyers. To the report that was then made, he begged to call the attention of the House. They say—

"And it appears, that in the several instances of actions commenced in breach of the privileges of this House, the House has proceeded by commitment, not only against the party, but against the solicitor and other persons concerned in bringing such actions; but your committee think it right to observe, that the commitment of such party, solicitor, or other persons, would not necessarily stop the proceedings in such actions. That, as the particular ground of action does not necessarily appear upon the writ or upon the declaration, the court before which such action is brought cannot stay the suit, or give judgment against the plaintiff, till it is informed, by due course of legal proceeding, that such action is brought for a thing done by order of the House. And it therefore appeared to your committee, that, even though the House should think fit to commit the solicitor or other person concerned in commencing these actions, yet it will still be expedient that the House should give leave to the Speaker and the Sergeant to appear to the said actions, and to plead to the same, for the purpose of bringing under the knowledge of the courts the authority under which they acted; and if the House should agree with that opinion, your committee submits to the House, whether it would not be proper that directions should be given by this House for defending the Speaker and the Sergeant against the said actions."*

According to the report of that committee, he said that whatever answer might be given to the plaintiff, the same course ought to be adopted with respect to the plea. The letter of Sir Francis Burdett was directed against the authority of that House in committing to prison Mr. Gale Jones. It was not written, as his hon. and learned Friend supposed, against the corrupt constitution of the House. Then there was a commitee appointed, when it was avowed by Sir Francis Burdett that he brought his action for the purpose of disputing the right of that House to commit at all. But then the noble Lord said, why did they not commit this man—he said the House had not committed Sir Francis Burdett. On the 8th of June, 1810, his right hon. Friend the Member for Montgomeryshire proposed the following resolutions:—

"That whoever shall presume to commence or prosecute any action, indictment, or prosecution, against any person for acts done in obedience to the orders of this House, such person and persons, and all attorneys, solicitors, counsellors, and sergeants-at-law, soliciting, prosecuting, or pleading in any such case, are guilty of a high breach of the privilege of this House. That it appears to this House that the actions commenced by Sir Francis Burdett, Bart., against the right hon. Charles Abbott, Speaker of this House, and against Francis John Colman, Esq., Serjeant-at-Arms, attending this House, are for acts done in obedience to the orders of this House. That the proper officer of the Court of King's Bench do to-morrow attend this House, with all records and proceedings in the said actions."*

The proposition for taking those resolutions into consideration was negatived by a majority of 74 to 14. The case was carried to the House of Lords. They let it go there, and Sir F. Burdett was not, on that account, sent by them to the Tower. They permitted one of their Members to go to the Lords, and he believed that Lord Brougham was one of the counsel. When one of their Members defied their privileges, and brought his action, they pleaded—they let that Member go to the House of Lords—they permitted him to vote in that House, and to sit as a Member. How, then, having thus acted with one of their Members, could they consider that they had a right to call before them the plaintiff Howard, and send him to prison, for which he would be glad to get 100*l.* from them? With what propriety could the House introduce now a different practice, after thirty years submitting to a different state of things, and what advantage could arise to them from their impolicy and want of wisdom, in doing that which this man most desired, that he might bring the matter before a jury, and thus entitle himself to greater damages? He had now to call their attention to the observations made by Members, on the occasion to which he had before referred; but, before he did so, he wished to remark, that it was proposed, in pursuance of the report of the special committee, that they should plead. That question was carried *nemine contradicente,* and not even his right hon. Friend the Member for Montgomeryshire, who then had a seat in that House, lifted his voice against it. Perhaps it might be said, that was not a fit course to be adopted. In 1810 it was unanimously adopted, and now he wished to call their attention to the expressions used by Mr. Ponsonby, who had filled the the office of Lord Chancellor in Ireland, and who was considered as the champion on the privilege question. This was what he said:—

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* See Hansard, vol. xvii. Appendix, p. 90.

* Ibid. vol. xvii. p. 520.

"The next queston to be considered was, the peculiar situation in which the Speaker of that House was at present placed. To many Members it appeared a most monstrous novelty, that the Speaker of the House of Commons should be obliged to appear in one of the courts below, for an act which he had done in pursuance of the orders of that House. A novel proceeding it certainly was, for which there was no precedent; as to an action brought against the Speaker, the instances were rare. Yet, monstrous as it appeared to some, and novel as it must seem to all, it was his firm persuasion that the Speaker ought to appear and put in his plea to the action. Such course was open to him, without the slightest apprehension of his surrendering, in the remotest degree, the privileges of that House; and such course the House could adopt, although it had determined to commit the solicitor."*

This, then, was the opinion of a most distinguished Member of that House, in a most elaborate, enlightened, and argumentative speech on the subject of privilege. It was Mr. Ponsonby who had most distinctly stated that their Speaker (and he prayed of the House to mark the distinctinction)—that the Speaker, he who was their highest authority, their public representative, if he might say so—and who had an action brought against him by one of the Members of the House; yet Mr. Ponsonby said, that in his opinion the Speaker might plead, and yet they not be under the slightest apprehension of his thus surrendering the privileges of the House in the least degree. And yet his hon. and learned Friend would not have them plead in Howard *v.* Gossett, as the House might lose its place in the Constitution by following that example. But Mr. Ponsonby went on to say—

"For himself he would say, that if such a proceeding had occurred when he had the honour of holding the great seal in Ireland, he would have certainly felt it his bounden duty, under the jurisdiction of his own court, to commit the solicitor, and to appear in the court of law to put in his plea; for, unless such a course was adopted, how was it possible for the courts below to be apprized of the nature of the case? How was it possible for them to inform themselves of those facts, without the knowledge of which they could not know whether the injury complained of was committed in a private or public capacity? With respect to that House agreeing to resolutions in the shape of prohibitions to the courts of law not to entertain causes in which its privileges were involved, such a course was a complete novelty, on which he could not be expected decidedly to pronounce, inasmuch as in his whole course of reading and of practice he had never met with such a precedent? It was necessary that the courts should be informed of the nature of the proceeding. The difficulty was, as to the manner of making the communication. Should the Speaker write? If he did so, and were he (Mr. Ponsonby), a judge presiding in the court wherein the process was instituted, without meaning any personal disrespect to the Speaker, he would most certainly take no notice of the letter, nor treat it in that court with the smallest respect."

Here, then, was the speech of a strenuous advocate for their privileges, advising them, in fact, to put a plea upon the records of the courts. In those observations Mr. Ponsonby made a prophecy which was afterwards realised. An attorney brought an action against Lord Brougham for false imprisonment, in committing him for contempt. The action was tried before Lord Lyndhurst, then Chief Baron of the Exchequer. It was conducted by Mr. Platt, and he believed Mr. Solicitor-general and the late Attorney-general conducted the case for Lord Brougham. When the case had been opened, Lord Eldon was called as a witness, to prove the practice of the Court of Chancery, and to show that Lord Brougham had been mistaken as to that practice. Lord Eldon was asked if he had ever committed any one, without giving him a certain notice. The answer of Lord Eldon was,—

"If I did so, I have no doubt I committed a mistake."

Sir Wm. Horne, too, was also called to prove what had been the practice. Lord Lyndhurst then laid down the law, that for an act done by Lord Brougham in his judicial capacity he could not be made responsible. Lord Brougham did not commit the plaintiff in that case for taking his action—he took no such step, but he pleaded, and he did not think of avenging his insulted dignity by a commitment. He should presently call the attention of the House to the case referred to by his hon. and learned Friend, and as to the power of the Court of Chancery to commit, and the manner in which it exercised that power. Before, however, he concluded this part of the subject, he wished to direct their attention to the opinions expressed in the discussion he had referred to, by Sir Vicary Gibbs, by the then Prime Minister, who had filled the two great offices of Attorney and Solicitor-general, of Sir Thomas Plumer, and also of Sir Samuel Romilly, and who opposed every course but that which would bring the question to be fairly tried before a court of law. That case was a much stronger one than the present; for there an action was brought by a Member of that House against their Speaker. Here it was only an action brought by a subject, who did not owe to them that deference and obedience to be required from a Member of the House, and which the Member was bound to show. And here, too, the action was brought not against the Speaker, but the servants of the House. From the time of Burdett *v.* Abbott, he was not aware that any case had occurred which could throw any light on this subject, or that was to be regarded as an authority, one way or another. But what had been the course taken, when Stockdale had brought his action? As to the first action, he was not certain that the House had been made aware of it. He rather thought that Mr. Hansard had pleaded to it, without any communication with the House. The result of that action was instructive. The pleas were the general issue, and justifying the libel, by alleging that the publication was infamous and obscene, such as it had been described in the paper laid on the Table of the House. The result of the case was, that Lord Denman was opposed to the views of the then Attorney-general on the general issue. He directed the jury to reject from their consideration every topic arising out of the authority of that House; but the jury looking to the justification, found for the defendant, and declared that the work impugned had the character attributed to it by the publication. In the meantime, the somewhat extraordinary language of Lord Denman had attracted the attention of the House. And then Stockdale brought another action, and the court then gave judgment against the defendants. His opinion at that time was, that a better course for them to have taken, would have been either to have gone upon the record to the House of Lords, or at all events to have exhausted the opinion of every other court of law, or at once to have legislated upon it. His hon. and learned Friend, the Member for Worcester, would do him the justice to state, that as soon as ever the judgment was pronounced, and when his hon. and learned Friend thought they had a right to stop all those proceedings, by committing the plaintiff, the sheriffs, clerks, and others, he said that was not the right course; but that he ought to take up the case to the House of Lords, and to teach the judges, not by committing clerks or officers, but by legislating. The effect, however, of that action was, that the jury assessed the damages, and gave 600*l*. Why, could that House—could any Member of that House, be ignorant of the grounds on which that had been done? In the meantime, they had proceeded with their committals, and had adopted a course which was not in accordance with the general feeling out of doors. And he believed that no statesman would differ from the expression which he found at the conclusion of Mr. Ponsonby's speech, and also at the conclusion of Sir Samuel Romilly's observations, that nothing could be more to be deprecated than anything like a collision between that House and the general sense of the community, as the course to be adopted for the vindication of their privileges. Mr. Ponsonby said he never could think anything half so unfortunate as that any considerable portion of the people should disapprove of their proceedings. It was quite plain, however, that on that occasion—Stockdale's second action—the House had adopted a course which aggravated the evil. They all knew, that in the speech which his hon. and learned Friend had delivered— a speech that was admirable in every sense, and that never in talent could be surpassed—they all knew that in that speech his hon. and learned Friend had said, that persons would get tired of going to prison at last. His hon. and learned Friend would commit right and left, plaintiffs, attorneys, and he would not even spare the barristers. But did not the late Member for Ripon (Sir Edward Sugden), whose absence from that House they all must deplore, did he not say, that they might fill the gaols, but they could not exhaust the spirit of opposition to their course of proceedings, and which was rising day by day into continued action? And did not, too, the Member for Ripon declare that there was not a barrister in Westminster-hall, who was not ready to go into gaol, or into custody, rather than submit to their unjust assumption of power? But then, in vindication of the privileges of that House, the hon. and learned Member for Worcester at last said, that they must call upon the Secretary of State to bring out the Guards to oppose the sheriff and the *posse comitatus*, so that the question was likely to end in something like an appeal to a civil war in this country. Was this a state of things on which the House was disposed to enter, without the direst and the most stringent necessity? Having, then, the case of Burdett *v.* Abbott, and Burdett *v.* Colman—having a course laid down for thirty-two years, were they now in this case to depart from established precedents, because, as the hon. and learned Member for Worcester said, if they did not, they were in danger of losing their place in the constitution? He agreed with one portion of the House in theory, but he differed from that portion in practice, and he expressed his opinions with great deference and respect for them; but the view he took of the subject was this, that they ought not to condescend to take the course adopted by courts of law, who adopted that because they had no other means of vindicating their authority. Was it not, he asked, fitter for that House to wait until they had some great occasion. His hon. and learned Friend thought that this was that great occasion; but were they to do that, they would be playing the game of the party opposed to them. That party wanted to make a profit out of a supposed grievance—having brought an action, that party wished something might be done which he might hold out as a wrong. In his view they ought not to do that. But then it was said that they ought to adopt a course, which the Court of Chancery, he admitted, on some occasions, did adopt; but then the Court of Chancery adopted it because that court had no other course to take. He begged to call the attention of the House to the reason why the Court of Chancery took that sort of jurisdiction, and he would here give his hon. and learned Friend the full benefit of the case of Anstruther, and the whole series of cases from it, in Burns, and Bailey and Devereux, down to the last case, which occurred so lately as the year 1831—Philipp and Worth, in 2d Russell and Milne, N. 638. His hon. and learned Friend had said that the Court of Chancery took this matter of jurisdiction into its own hands, and then, if one complained of excess, the court would not allow him to bring his action, but said he must come before the court, and the court would award him damages. He did not mean to take the Court of Chancery as a model in any respect. He said this, not meaning any disrespect to that court, but every lawyer must recollect the saying of Lord Eldon, that he did not know how the Court of Chancery had got jurisdiction. Now a jurisdiction, the origin of which was not known to the judge who exercised it, was not such a model that, in his opinion, the House of Commons should adopt. In the case laid down, Philipp and Worth, the parties had applied to the court to be discharged. Then the court declared that when the party came to be discharged, they would have the whole matter of jurisdiction before them. In the first case referred to the other night by his hon. and learned Friend, Bailey and Devereux, 1st Vernon, p. 269, the Chancellor laid it down, that the irregularity committed ought to be punished in that court, and that then the matter could be examined into and determined. The same principle was acted upon in Proud and Lawrence. Then in the last case, in 1831, it was declared that upon the party submitting, a reference should be made to the master as to the compensation that was to be made. The master there was then to determine what damages were to be awarded to a man who complained of a wrong. The Court of Chancery was open at all times—the other courts, too, were renewed from time to time—but how was this court, a branch of the High Court of Parliament, to administer justice in the same way? They could not administer an oath—they had not officers—they had not the machinery to carry this on—they could not adopt the practice of the courts of justice, because they had not the means of doing justice here. In the case of Anstruther, which the noble Lord had referred to, it was said that the Court of Exchequer would not allow to be removed into another court an action brought against an officer of excise. He remembered perfectly well the Lord Chief Baron who tried the case declaring that they would not say one thing and mean another—they did not say that in removing the action into the Court of Exchequer, they could stop him elsewhere; but in telling the plaintiff not to go on, upon pain of imprisonment if he did go on, they had not the means of preventing him. Those then were the matters which induced his hon. and learned Friend to oppose the proposition for the defendant pleading. He did not agree in that opinion, nor in the proposition of the noble Lord, that the plaintiff should be called before them, and asked some questions, when it appeared to him that would only give the plaintiff the opportunity of insulting that House, and thus bringing down upon him the visitation of that punishment which he was anxious to receive. He took a much higher ground, and one that he thought more becoming in that House, while at the same time he secured that justice which his hon. and learned Friend professed his desire to have done. He said that the only reason why the different courts adopted at once the practice of commitment was, because they had no other method of vindicating their jurisdiction, and because they possessed no other power. If those courts did not commit, they could do nothing. That was not the case with this House. He should not then enter into an examination as to the powers which the House might exert on extraordinary occasions. It could vindicate its high authority and its constitutional rights. This was his opinion, and so must it be of every man who looked at the history of the country, and not the least part of it—the last ten years in which they had lived; and he must see that this House, if it were possessed of the good opinion and sanction of the people, had ample powers for the vindication of its privileges and the necessary discharge of its public duties; and it did not want to share in the paltry, petty power of committing here and there, and punishing, if they pleased. He did not ask them to establish their authority by these means. If they wanted to teach the judges what was the law, if those judges forgot what was due to the law, let them, he said, teach them by act of Parliament, and let them not commit their officers, and let them not commit their sheriffs, or other persons. He might be wrong in the views that he entertained on this subject; but finding he could not join with a great portion of that House—he did not say party, for this was not a party question—but finding he could not take part with either portion of the House; but as he could not abandon the right hon. Baronet's propositions as to what were their undoubted privileges, and as he could not go with the then majority in committing various persons to prison, for that which was called a breach of their privileges; he, therefore, took but little part in these discussions, until his hon. and learned Friend had called upon him for an explanation of his views. Under these circumstances, he submitted what were his views as to that course which he considered the most consistent with their dignity—their true dignity. He thought the course most consistent with that dignity was to plead to the action. He thought they should have adhered to their former course, and not to have departed from it, as he considered, indiscreetly and unwisely, and contrary to precedent. It would not, he believed, be for the advantage of the House—it did not belong to its high position, to adopt practices that did not properly belong to it. The true mode of consulting their true dignity was by pleading to the action, and not by calling the plaintiff to the Bar, in order that the House might be put into a situation which that plaintiff desired, for the purpose of insulting it, and endeavouring to get damages by misrepresenting the course they had pursued. On these grounds he should feel it to be his duty to vote against the proposition of the noble Lord.

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* Hansard, vol. xvi. p. 989.

Mr. *Elphinstone* thought that the high court of Parliament had, and ought to exercise an exclusive jurisdiction. With regard to matters of trust, the Court of Chancery had exclusive jurisdiction, and had not allowed the Court of Queen's Bench or any other court to interfere with its jurisdiction. In the same way the Court of Admiralty, in questions of "prize or no prize," allowed no interference. It was the same in the Scotch courts. He was ready to allow that some of these courts had exercised their privilege in a convenient manner, and some in an inconvenient one. The hon. and learned Gentleman cited the case of "Sedgwick and Redmond," reported in *Carey's Reports*, 56, in support of the doctrine of the exercise of exclusive jurisdiction by the Court of Chancery. In the case of "Angel *v.* Smith," reported in 9 *Vessy*, which was an action of ejectment against a receiver of the Court of Chancery, the receiver applied to the court to restrain the action, and Lord Eldon said—"An ejectment at law cannot be brought, and shall not be brought, without the leave of the court." A similar doctrine was held in the Irish case of "Batchelor v. Blake." In "Cheeney *v.* Pickering," reported in 1 *Keen*, where an irregularity had been committed by an officer of the Court of Chancery, that court would not allow an action at law to be commenced against the officer. In "Bricknell *v.* Stamford," reported in 1 *Beavan*, where a party who had been imprisoned for a day brought an action at law for false imprisonment, the

Court of Chancery restrained the action. There were also some cases in the House of Lords which he thought in point. One of these was when Lord Camden was Chancellor, in the year 1768, and was called Biggs's case. It was reported in the 32nd volume of the Lords' journals. The House was informed of an action prosecuted in the Common Pleas by one John Biggs against a Mr. Hesse, a justice of the peace of Westminster, for acting under the immediate order of the House of Lords. The next day Mr. Hesse was required to attend the House and make his statement, and afterwards Biggs was called to the Bar of the House, reprimanded by the Lord Chancellor, and desired to stop all further proceedings at law, and was only discharged out of custody on signing a release to the action. Two other cases in point were those of Hyde, a person who attempted to get into the House of Lords without a ticket, and resisted the officer of the House in the execution of his duty; and that of a man who lost his umbrella in the lobby of the House of Lords, and proceeded against the messenger for the recovery of its value. In both cases the House exercised its exclusive authority, and protected their officers. Again, would the Court of Queen's Bench interfere with the authority of the Court of Admiralty, or any of the English courts, with the courts Scotland, if their officers did wrong? All the courts were the sole judges of their own proceedings, and of the way in which their processes should be executed. He should be ready to agree to the proposition of the Solicitor-general, if it would tend to prevent these cases being tried in the courts of the Westminster-hall. Suppose the plaintiff were to limit his case to the Sheriffs' Court; or suppose he had gone away to some colony where the Dutch law prevailed, and he had been taken there by an officer of the House, it would be a very awkward thing for the Sergeant-at-Arms to come to them and claim protection. The first plan which it would be best for the House now to pursue was to adopt the proposition of the noble Lord (Lord J. Russell), to summon the plaintiff to the Bar of the House, and inform him that the House would consider it a high breach of their privileges if he proceeded; but it would be still better if a bill were passed authorising the Speakers of both Houses to issue their writ of injunction to restrain and stay proceedings in the courts below.

Mr. *Borthwick* thought the hon. and learned Gentleman had failed to answer the Attorney-General, notwithstanding the number of cases he had cited. Perhaps it would be most advisable to follow the course pointed out by the Attorney-General; but then there was this intolerable inconvenience in the practice of it,—the House would, from time to time, be called into courts of law to pay sums of money in the shape of fines for doing their duty to the people. An end must be put to that before the House could exercise its functions with satisfaction to itself or advantage to the people. The state of the case left him no alternative but to vote with the Solicitor-general. He hoped the House would assert no privilege which the Court of Queen's Bench was not ready to confirm and establish by its decision. If that should not be the case, then would come the time for the passing of some declaratory act which should define the privileges of the House and teach the judges of the land what course to adopt. Nothing could look more like "breaking flies upon a wheel," nor be more undignified, than the punishing persons so as to make them be regarded as martyrs, and to give them an appearance of claim for compensation. The House should avoid such committals. He should vote with the Solicitor-general, in the hope that the result of the present proceedings would lead to the passing of an act which would put an end to the present most dangerous practices.

Sir *R. Peel:* As there seems to be no disposition on the part of the professional Members of the House to continue the discussion, I will avail myself of this opportunity to state my general views with respect to the course which it is advisable for the House to pursue on the present occasion. The noble Lord the Member for London intimated an opinion that it might have been desirable to appoint a select committee to consider the facts of the case, and the precedents bearing on them. I have so much respect for the opinion of the noble Lord, and am so firmly convinced of his desire to maintain intact the privileges of this House—a desire in which I cordially concur—that if the noble Lord had thrown out that suggestion at an earlier period, I should have been disposed to receive it with the deference which is due to the noble Lord's position and ability; and if I had thought that the appointment of a committee would have led to a beneficial result, I would have cheerfully acquiesced in that course. I have great doubt whether any advantage would now arise from the appointment of a committee. Considering that the most eminent persons on each side of the House have expressed such strong opinions with reference to this question, I am afraid that if a committee should be composed of those who have principally directed their attention to the matter, the only result would be to exhibit to the House and the country the great extent of the difference of opinion which prevails regarding it. The subject was almost exhausted by the committee which was appointed in the case of Burdett *v.* Abbott. In latter times—in the case of Stockdale *v.* Hansard—a committee was appointed, and I believe that all the precedents bearing on the question are recorded in the reports and evidence of that committee, and, therefore, I doubt whether any practical good could result from the appointment of a fresh committee. The questions which would devolve upon a committee for consideration would be, whether the House should plead, whether it should refuse to plead, or whether, in conjunction with pleading, the House should commit the party to prison by its own act. I think that all the various arguments which can be urged in favour of one or other of these courses, are as familiar to the minds of those whose attention has been directed to the subject, as they would be if the House were to appoint a select committee, and therefore I think that whilst we should devolve great responsibility on a committee so appointed, we, at the same time, should derive no practical advantage from it. I and the other Members of the Government thought it right to take upon ourselves the responsibility of recommending the House to adopt the course which, on the whole, appeared best. It would have been more convenient for us to invite the aid of a select committee, but we thought it was our duty as a Government to follow the example of former Governments, and, in a case of great difficulty and embarrassment, to submit to the House, through the organ of our legal advisers, the course which we considered it most advisable to pursue. We preferred coming forward with a substantive proposition, to sheltering ourselves under the authority of a select committee; and I am induced to think, that those who consider the course which such a committee must have taken, will think, that we exercised a sound discretion on that point. As I before observed, the House has it in its power either to refuse to plead, or to plead as my hon. and learned Friend proposes, or to plead and, at the same time, to commit the plaintiff to the action. The inclination of my mind, when the subject was first brought under the consideration of the House, was to refuse to plead. When a similar question was before the House in a former Session, I expressed my regret, that the late Attorney-general (Sir J. Campbell) should, within a month after the adoption of the resolution to which the House came upon the report of the select committee, in the month of May, 1840, I believe, have found it necessary to submit the privileges of this House to the jurisdiction of a court of law. It is my firm opinion, that if we had then, relying on the authority of Burdett *v.* Abbott, in which case the court of law distinctly declared that this House was the judge of its own privileges, exhibited an unanimous feeling to maintain our own authority, and claimed the right of deciding upon our own privileges, the general opinion of the House would have overborne all opposition, and we should have successfully vindicated our privileges. But, at the same time, it must be borne in mind, that we are a popular assembly, and it is easy to find objections to any practical course which may be taken with respect to a subject so surrounded with difficulties. Depend upon it, that in cases of this kind, those who are responsible for the proceedings of this House, who are desirous of supporting its dignity and maintaining its just authority have a most difficult task to perform. It is very different with an individual Member of Parliament, he can give his vote and escape from all responsibility. Though I regretted the decision to which the late Attorney-general came, and disapproved of the course which he recommended the House to pursue, yet when he stated all the difficulties of the case, I, being aware of his sincere desire to uphold the authority of the House, did not feel disposed either to censure or oppose him. The late Attorney-general stated, that there was no other way in which a court of law could know, that the privileges of the House were called in question, except by the House pleading, and he and the Government of which he was the legal organ, recommended the House to plead to the jurisdiction of the court of law, in the case of Stockdale *v.* Hansard. The late Attorney-general had looked to all the authorities; he was a most powerful advocate of our privileges in the courts of law, and yet he came to the conclusion, that on the whole, the most advisable course was to enter a plea to the action. Having taken that course in recent times—having acted on the precedent established in the case of Burdett *v.* Abbott, it appears to me that the House cannot with propriety pursue a different course now. The almost uniform current of precedents is in favour of pleading—there is scarcely a single departure from it. If we do not proceed the action proceeds, and damages will be levied. Then we should have a most painful duty to perform. Nothing is more repugnant to my feelings than to order the damages awarded by a court of law to be paid out of the public Treasury, in order to prevent their being levied from the officers of the House of Commons. There is, however, no alternative; if we refuse to plead, the action proceeds, and we shall be compelled to follow the course which we adopted before—a painful and difficult course—in the face of a powerful minority—of committing to prison innocent men, for obeying the laws of the land, and the decrees of courts of justice. It is impossible not to feel that this is a most painful position for the House to be placed in. The persons in question do but perform their duty in obeying the orders of the courts of law, to which they are immediately responsible. I am sure, that even those who are most strenuous in maintaining the privileges of the House, must admit that we discharge a painful duty when we commit innocent men for taking the course which they conscientiously believe to be right between two conflicting authorities. If the House should determine upon entering on that course, it appears to me that it should not content itself with committing to prison the inferior agents and instruments of justice—it will have no alternative but to commit those who give the orders to these instruments. But, after all, our authority is limited to the period of the Session. It is most defective in that respect. During the recess, the House has no power of committal. If we imprison the sheriff, he is liberated when the Session closes, and the House can do nothing until it meets again, when, after the lapse of several months, during which time will have produced the usual effect in cooling the feelings of indignation which originally actuated us, we may be called upon again to commit parties, who have done nothing more than what they conceived to be their duty, in obeying the jurisdiction of a court of law. I, for one, after the precedents which we have ourselves established—knowing that the privileges of the House of Commons, like all other jurisdiction in a free country, mainly depend on public opinion—knowing that the exercise of power against public opinion, in a free country, is always comparatively weak, and seeing that in the great conflict of parties, the committal of innocent persons by various majorities of ten or twelve—will not be sanctioned by public opinion, I must say, that these circumstances do practically limit the exercise of the power of this House. When you are unanimous, you may go against public opinion, but when you are divided you cannot safely venture to take that course. Were I acting as an individual Member of Parliament, I could take what course I pleased; but having the responsibility imposed on me of considering what, under the circumstances, it is best to do for the House of Commons, what is best for the public peace—what is best for the interests of the country—I cannot advise that we should act contrary to the established precedents, and refuse to plead. I therefore concur in the proposition, that we state to the Court of Queen's Bench that the acts complained of by the plaintiff were done by our authority. When the noble Lord (the Member for London) was in office—when he, acting under the responsibility of a Minister, considered what was best to be done, he actually came to the same conclusion to which I came on the advice of the late Attorney-general, and upon the whole, notwithstanding all that had passed, seeing the conflict of opinion in this House, thought it advisable to act on the precedents of Burdett *v.* Abbott, and Stockdale *v.* Hansard, recommended that the House should also plead in the case of Howard *v.* Gossett. When I say that I am ready to plead, I conceal from myself none of the difficulties in which that course may involve us. No man can feel a deeper conviction than I feel that all the privileges to which this House has laid claim in modern times, for printing by the Speaker's command, for the attendance of witnesses, for the right to commit for contempt, for the right to command persons into custody, even without their having previously committed a contempt, are essential to the due discharge of our functions. I think that the possession of those privileges goes to the essence of our power of rendering public service. I go the whole length of saying that cases might arise in which it would be necessary to commit persons who had been guilty of no previous contempt or breach of privilege. Take the case of the impeachment of a Minister for gross misconduct. The House has reason to believe that a witness, whose evidence would be most important to establish the charge, is about to depart for a foreign country. I do not hesitate to say that though that person should have received no warrant directing him to attend the House– though he be chargeable with no contempt—though he have done no act which could subject him to the censure of the House, yet, under the circumstances, I claim for the Speaker of the House of Commons the right of bringing that man in custody to the bar. I believe the possession of that power to be absolutely essential to the performance of the functions which belong to us as the great council of the nation. If the decision of any court of law should endanger the privileges to which I have alluded, no one would be more ready than myself to contend that some course should be taken which would put us in full possession of them. I am now pointing at the difficulties which I always foresaw would arise when the House agreed to plead in the case of Stockdale *v.* Hansard. I think it disparaging to this House, not only to be liable to appear before a legal court of superior jurisdiction, but before any court in the country. Nay, I can readily believe that a court of law—knowing the jealousy with which we regard our privileges—might, by exercising great astuteness in matters of mere professional and technical detail, find that our warrants were imperfect. My hon. and learned Friend the Attorney-general, feels confident that the decision of the court of law will be with us. I confess that I do not share in that confidence. No doubt the court of law would have done so some years since, but I cannot feel confident now, after the dicta which have been uttered in courts of law, that privileges necessary for us to possess, even if exercised with every precaution required by law, will receive support from the legal tribunals. In the present case the plaintiff has brought his action against the officer of the House for excess in obeying the orders of the House. That is a constructive offence. It would be difficult for our officers to execute the warrants of the Speaker without being liable to the imputation of committing excess. I can hardly believe that in a grave and important matter an officer of the House should not transgress some technical rules, and thereby commit what, in the eye of the law, is considered excess. Then, again, supposing the officer should be able studiously to observe all the established forms and precedents in such cases, might not the court of law succeed in discovering in the warrant or instrument under which the officer had acted, some technical flaw, and thereupon suspend or set aside an important privilege of this House? I acknowledge I cannot partake in the confidence which my hon. and learned Friend feels that, in the present case, the decision of the court of law will be in consonance with our wishes. I cannot forget that, as the noble Lord justly observed, the constitution places us as a controlling power over the courts of law. The functions which, in this respect, we may have to discharge, and have a right to discharge, must naturally attract the jealousy of the courts of law. This House has not only the right to address the Crown for the removal of a particular judge, but, in cases of misconduct, it has the right of exercising a power even more unpalatable to the judges; it has the right of exercising a superintending control over the manner in which they discharge their duties, and to institute inquiries relative thereto which must tend materially, if the allegations be true on which we proceed, to paralyse and diminish their authority. It appears to me, therefore, that we not only incur the ordinary danger which exists of one court of equal authority and co-ordinate jurisdiction trespassing upon the authority of another; but we also incur this additional danger that the controlling power which we exercise over courts of law must produce those feelings which it is consistent with human nature should be produced, under similar circumstances, whether in Judges or Members of the House of Commons, and the courts of law will inquire, with a rigid adherence to technicalities, whether our officers may not, in some instances, have overstepped the limits of their duty. I need not remind the House that, with respect to the great privilege of printing, which Parliament itself has declared, in the preamble of the act lately passed, to be essential to the discharge of its functions, the decision of the Court of Queen's Bench was adverse to our privileges. I will not inquire whether the decision of the Court of Queen's Bench in the case to which I refer, was conformable with the strict letter of the law, because, admit it to have been legal, and it only strengthens my argument; for here we have the recorded declaration of Queen, Lords, and Commons, that there has been a decision of a court of law, which, if allowed to remain uncontrolled by the omnipotence of Parliament, would have rendered the House of Commons a mere mockery. And, therefore, whilst I consent, upon this occasion, to follow the example which has been set us, and to plead; yet I would not have it supposed that I do not entertain a due sense of the importance of the whole of the privileges to which we lay claim, or a due sense of the danger to which we should expose them, if we were prepared to say that whatever might be the decision of a court of law on the point, we would tamely submit to it. I now come to the third course which we may pursue, namely, to plead, and also to commit the plaintiff. I believe that course to be, at any rate, without precedent. It certainly was not pursued in the case of Burdett *v.* Abbott. Howard was in custody at the time he instituted one of his actions; but when he brought his second action, the House did not think proper to pursue the course of entering a plea, and also committing the plaintiff. The question is, whether it be suitable to the dignity of the House of Commons—whether it be consistent with equity and good sense, to enter a plea, and commit the plaintiff on the same day. From the course which we have heretofore pursued in these cases, I greatly doubt the policy of accompanying our pleading by the committal of the plaintiff. I care nothing about its being Mr. Howard's wish to be committed, as my hon. and learned Friend the Attorney-general has suggested. A man may be desirous of evil notoriety, and it may be impossible to execute the law without gratifying his passion in that respect. It may be Mr. Howard's desire to be committed to Newgate, and we should gratify his taste by committing him; but if I thought that the interests of public justice required that we should commit him for the purpose of maintaining our privileges, I should feel utterly indifferent as to Mr. Howard's wishes, and take the course which I might think right, without any regard to his opinions. It is impossible to make the execution of the law dependent on the feelings of individuals; it must depend on more comprehensive considerations. I have not the least doubt that it would tend to aggravate damages if Mr. Howard should be committed, and if we were to commit him, and, at the same time, to plead in the cause, no doubt some clever counsel would make a strong speech, and, by appealing to the passions and prejudices of the jury, get 500*l.* for damages instead of 100*l.* Such considerations as these, however, must be altogether disregarded. It is a matter of subordinate importance whether the House of Commons would have to pay 100*l.* or 500*l.*; but I do not think we ought to take the course which would lead to the committal of the plaintiff. As I said before, you did not pursue that course during the recess. You then visited the plaintiff with no marks of your displeasure. You gave him no notice that you saw anything in his conduct deserving censure. You paid him money, at least, the Treasury did so, there being no alternative between doing that, and leaving your innocent officers to pay the costs they had incurred in obeying your orders. You gave the plaintiff no notice that if he instituted another action, you would commit him. Under these circumstances, I do not think public opinion would support you if you should commit the plaintiff. It would be felt that you were not acting consistently with equity in taking a different course with him from that which you pursued on a former occasion. I do not doubt your power to take that course, but I again say that conflicting considerations must enter into the mind of a person placed in my situation, and my only object is to induce the House to take the course which is most consistent with its dignity, and best calculated to support its privileges. "But then," said the noble Lord, "summon Howard to the bar." Unless you are prepared to commit the plaintiff, do not enter into a contest. You have a right to look at the probable motives of the party. He may defy you, and for the purpose of obtaining additional compensation, may desire to obtain his own committal. If this be his aim, do not bring him to that bar, and thereby confer a consequence on him which he would not otherwise obtain. If you take the first step you must proceed. Do not speculate on his giving a civil answer. I cannot very well see what answer he can give. He will not say that he brings his action for excess of violence. May he not maintain perfect silence? If he be wise he will do so. Then, would you commit him for not giving an answer. I doubt the policy of doing that. Perhaps the plaintiff might say, that he brought a similar action on a former occasion, and protest against the injustice of punishing him for pursuing the same course, without having given him previous notice of our intention to do so. I have now done. I have given the House the best opinion I can form respecting circumstances of peculiar difficulty. I have most anxiously reflected on the case, and have arrived at his decision upon a due consideration of its different bearings. I think it a great defect in our jurisdiction that after the close of the Session of Parliament, it should be competent to a party to bring an action against any of our officers. Supposing the decision of the court of law should be adverse to our privilege, as I anticipate it may be, I feel confident that in that case, as in the case of printing, this House will claim that, by a clear explanation of the law, full authority shall be given to the Speaker during the sitting of Parliament and during the recess to do all those actions which are necessary, in order that the House of Commons may discharge the functions entrusted to it—in order that it may inquire into abuses, remedy grievances, punish the guilty, and perform all those great acts without which, if it could not perform them in safety and without liability to question, its place in the constitution would be degraded, and its power as a popular assembly paralysed.

Mr. *Williams Wynn* was induced to address the House, chiefly in consequence of the allusions that had been made to the course pursued in the case of Burdett v. Abbott. He had foreseen, at the period when it took place, that it must give birth to inconveniences which would not be confined to the case itself; some of which had already arisen, while it was not difficult to see that others not less serious might occur. In that case, a committee had been appointed to examine precedents. He had been named on the committee, but had declined to serve on it, differing, as he did, in opinion from her Majesty's Ministers and several Members of the committee so greatly, that he considered his serving on it was likely to lead to no good result. That committee concluded its report by distinctly pointing at the power which the House possessed of committing persons who commenced or prosecuted actions like the present. It rested this view on the fact, that

> "The particular ground of action does not necessarily appear on the writ or declaration. The court before which such action is brought cannot stay the suit, or give judgment against the plaintiff, till it is informed by due course of legal proceeding that such an action is brought for a thing done by order of the House. It therefore appears to the committee, even if the House should think fit to commit the solicitor or other person commencing such action, that it will be expedient for the House to give power to the Speaker or the Sergeant to appear and plead to the action."

This recommendation was strongly urged by the then Attorney-general, Sir Vicary Gibbs. On that ground, his right hon. Friend, Mr. Wyndham, one of the highest assertors and most intelligent defenders of the privileges of that House, and of the liberties of the subject, at the same time gave a reluctant assent to the Speaker or Sergeant appearing to plead to the action; but this was guarded in many instances during the debate, by its being stated that it should not preclude the House from afterwards exercising its privilege of committing the solicitor, counsel, or any person concerned in commencing or carrying on the action. As to committing the plaintiff, it was a thing impossible, inasmuch as he was already in custody. Sir F. Burdett was already in the Tower, where he remained till the end of the Session; therefore, unless the House had looked back to some precedents of a very early date, and transferred the plaintiff from the Tower to the prison called little Ease, he did not see what other remedy was left. But under the circumstances, on communicating with several of those who considered the privilege of the House as in danger, he proposed to the House the motion to which his hon. and learned Friend the Attorney-general had referred. He did not propose in the first instance to commit the solicitor and the persons concerned in bringing those actions, because no notice had been given that the House would look on such action as a breach of its privileges, and it did seem to him that, when, by a long stream of precedents, it had appeared as if they never would question the proceedings of those who had by *habeas corpus* brought the question of the validity of their commitments to the judgment of a court of law—it did seem to him that they could not, with equity at least, proceed to exercise the plenary authority of the House, without due notice that they would consider such actions a breach of privilege. At that time the Attorney-general seemed to be strongly impressed with the opinion, which was then also generally entertained by the House, that the court, on having it brought to their knowledge that the defendants were the Speaker and Sergeant of the House of Commons, would in some way put a stop to the action. He was quite willing to allow that that was a mistaken impression, and that the court could not do so. The court might have done so in former instances; there might have been communications with the Speaker to stop the action; but he thought that after the passing of the act of the 10th George 3rd., declaring that no suit should be stayed by reason of the privileges of Parliament, it would not, perhaps, have been reasonable to expect that courts of law would respect such a privilege, and stop the action which had been commenced. The House was, therefore, as had been stated, in the situation of having sanctioned an appearance in the case of Burdett v. Abbott, and having afterwards sanctioned an appearance in the case of Stockdale v. Hansard, and also in that of Howard. It seemed to him that they could not avoid pleading in the present case also; and the only consequence of not doing so would be that damages would be again given, which there would be no means of avoiding. He had certainly come to the House disposed to urge that they should at the same time proceed by commitment against the parties concerned. Those parties could not be ignorant that they were committing a breach of the privileges of the House, considering what took place on former discussions. He was not disposed himself to rest this case on the legal analogies which had been stated on both sides of the House, by his hon. and learned Friend, the Attorney-general, and by the hon. and learned Member for Lewes (Mr. Elphinstone). It did not seem to him that these were the grounds on which they ought to respect the privileges of the House; they should rest them on the ancient principle that the Houses of Parliament *suis propriis legibus consistant.* That it was by their own privileges and their own precedents that they should be guided as to the proper course of proceeding. But after what had been stated by his right hon. Friend, he was quite ready to admit that the course which he suggested as fit to be pursued was that which was most likely to lead to the putting such questions to rest, and that which best befitted the dignity of the House. He confessed he did not see how, in a contest with the Court of Queen's Bench, they could avoid coming to those consequences which had been suggested, and, ultimately, even to that of which his learned Friend on the other side of the House had spoken, of the military and the *posse comitatus* being brought into action, one against the other. Now, these are calamities so great that he did not like to argue respecting the possible cases in which they might be justified. He was satisfied that a legislative proceeding was the only way, in the state to which things had been brought, of putting an end to such cases as the present. He had himself recommended this course long ago with respect to the case of printed papers, when he stood alone in that opinion. Such a number of inconveniences of the most serious kind must arise from entering into a conflict—a conflict from which, however, they could not fly, if it was necessary—that if any method could be devised by which these inconveniences could be obviated, he thought the House ought to prefer that course to any other. He did, therefore, agree in the present state of things, that an appearance should be entered by the Sergeant in the Court of Queen's Bench. He was willing to waive the commitment of the persons concerned in bringing this action, a punishment which, he must say, he thought they richly and fully deserved, as wilful invaders of the privileges of the House, and to look to those further means which had been suggested, as likely to be best for the interests, not merely of the House and its privileges, but of the country at large.

Mr. *Escott* entirely agreed with the noble Lord, the Member for London, and the right hon. Gentleman, that there was no one point on which the House should be more earnest than in defending its privileges, and if he thought that the vote he was about to give to-night against the motion of the noble Lord, and in favour of the motion of his hon. and learned Friend, was not a good mode of vindicating the privileges of the House, or that the noble Lord's motion was a better mode, he should vote for the motion of the noble Lord. It seemed to him that there were circumstances connected with the history of the country, past and present, which, above all things, ought to make them cautious how they took any step which would in the least endanger the privileges of the House of Commons. He thought the mode proposed by his hon. and learned Friend was not only the proper way to vindicate the privileges of the House of Commons, but the only dignified way of vindicating those privileges. How stood the present case? An officer of the House had done an act by authority of the Speaker, and of the House. An action was in consequence brought against him. He had been served with process of court and declaration of trespass. The question was, whether he was to plead to this action, and the noble Lord the Member for London and the hon. and learned Member for Worcester said, that the reason why they should not allow the officers of the House to plead to this action was, that they would, by so doing, admit the authority of the Court of Queen's Bench to decide on the privileges of the House of Commons. What was that but to presume that the judges of the Court of Queen's Bench would deny those privileges, and not admit that they existed under legal and constitutional sanctions? [An hon. *Member*: They have done so.] That was not the present question; but if their due privileges were not respected by the judges, then would be the time for them to assert the rights of the Commons with the highest, and not with inferior antagonists. "No, no."] Hon. Members said no, but he should like to hear how they would prove that the House of Commons would put itself in a more dignified attitude, and take higher ground in asserting its privileges, because it had weak and feeble antagonists, instead of antagonists in high station; and yet that had been a former course of proceeding. He said, that by pleading to this action, they asserted the privileges of the House of Commons, because they said those privileges were a sufficient answer to the action; else why plead? They did not tell the officer of the House to put an insufficient and invalid plea on the record; they told him to put what they considered a good plea—that was, the privilege of the House of Commons. Therefore, he said, they asserted, instead of giving up, those privileges by such a course; and this appeared to him to be a full answer to the argument of the noble Lord. Suppose the judges chose to say, that the privileges of the House were no answer to the action, then would be the time to assert those privileges with a powerful hand against the judges who refused them. He should like to hear some answer to this argument; for neither the noble Lord, nor the hon. and learned Member for Worcester, had attempted to offer any reply to it. He did think the precedents of early times of much importance with reference to the case; but he had been struck with one of a singular nature. In 1641 a committee of privileges sat at Guildhall, in the City of London, and it was very singular—he did not know whether the hon. and learned Member for Worcester was aware of it—that Sergeant Wilde was the chairman of that committee of privileges, and that he was the Member for the county of Worcester. He did not know whether the hon. and learned Gentleman was the lineal representative of the principles and the character of this Sergeant Wilde, but he wished to call the attention of the House to some expressions in the report of that committee, presented to the House. Among other high-flown epithets bestowed on the House, they were called a very godly, wise, and eloquent assembly; it was stated that they were the wisest and prudentest assembly of this land. His humble opinion was, that if they meant to keep their character for being the wisest and prudentest assembly in this land, they would not presume that the judges of the realm were about to refuse a lawful recognition of their privileges, but they would plead to the action; they would tell the judges what their officer had done, and under what authority he had done it; they would make that plea his defence; and thus if their privileges were brought into question, they would justify them before the country, for to plead a privilege, was to assert its existence.

Sir *T. Wilde:* I do not know, Sir, with what motives my hon. and learned Friend has made his motion, but I can only declare to the House that the part I have already taken in this question has been attended with considerable pain to me. It has brought me into collision—offensive collision, I may say—with persons of whose judgment I think much more highly than I do of my own. All I can say is, that I have endeavoured to make up for any deficiencies with which I may be chargeable, by as much diligence as can be applied to this subject. I have endeavoured to impart to my hon. and learned Friends whatever information I could collect, in addition to that more valuable stock of which they are, no doubt, possessed; and if it were not that I felt that the House of Commons has now arrived at that point at which its future dignity and usefulness are to be decided, I have no such opinion of my own judgment, I have no such desire to occupy its time, as to venture to obtrude myself for one moment on its attention. Sir, I do believe that the character, the dignity, the constitutional position of this House are at stake. And, Sir, I am the more deeply impressed with the state of this question from perceiving that it is to the body of the House alone that the country can look for the maintenance of this House, and for the maintenance of that safety to the public in general which depends on the efficient existence of all the powers and privileges of this House; for I perceive, Sir, that every government in its turn will shrink from the difficulty and responsibility of maintaining the true station and authority of this House. The right hon. Gentleman the Member for Montgomeryshire has remarked that this case is attended with great difficulties, and I shall observe that, whoever offers suggestions to the House with respect to the course of proceeding that should now be adopted, and does not feel the weight of those difficulties, only marks the deficiency of his own judgment on the subject. For myself, Sir, I have never ventured to offer a remark without weighing, as deliberately as it was possible to do, the consequences which might ensue from adopting the suggestions, or from taking some other opposite course. Sir, the right hon. Baronet has uttered sentiments to-night which afforded me the highest satisfaction, not that they excited any surprise in my mind, because I had seen enough of that right hon. Gentleman—I had heard enough of his opinions with respect to the constitution of Parliament, and I know enough of his patriotism, not to be surprised either at the constitutional knowledge which he exhibited, or at the manly firmness with which he asserted and seemed prepared to vindicate those privileges. But I think, Sir, by the proposition which is before the House, a very different course is suggested. The right hon. Baronet has said, most truly, that the commitment of innocent persons, who are called upon to do certain acts in the execution of their public duty, must to every properly constituted mind be matter of great pain. But, Sir, I beg to solicit, most respectfully, of that right hon. Gentleman that he will read his own speech, in answer to this difficulty, because, in the most accurate and forcible manner, he pointed out on a former occasion how mawkish it was, how little becoming great statesmen it would be, not to perceive the difficulty, and not to be prepared to act by the commitment of ministerial officers, of those subordinates by whom, at last, the law was to be executed; and that, although it might be unfortunate that we should be placed in a situation of seeming opposition to the law, yet, if it became necessary, for the vindication of that authority, the existence of which is of such paramount importance to the public, there would be no ground for shrinking from the performance of that duty. Sir, this House would not have existed—the House of Lords would not have existed—as a legislative body, if those opinions which the right hon. Baronet has expressed before, and to which I have just referred, had not been acted on by both Houses for a long series of years. How has this House maintained its privileges? How has the House of Lords maintained its privileges? By the commitment of those individuals who had either themselves infringed them, or those public officers of the law who had been made the instruments of those persons for such purposes—of sheriffs and other public officers without number. And you have no other means of doing so. I say, therefore, that painful as it may be, and must be, to commit individuals who have become obnoxious to your censure because they have infringed your privileges, it is the only mode you have of vindicating and maintaining those privileges. Sir, after the speeches that has been made to-night, I trust the House will seriously consider its situation. It seems to be admitted that this House cannot support its constitutional position, to the maintenance of which those privileges are essentially necessary. Is that so? Do we live in more stormy times—are we exposed to more bitter attacks, do those attacks proceed from more dangerous quarters, than those to which this House has been exposed in older times? If not, the difference is not in our power and authority—the difference is in the men to whom the sacred trust is confided. It is, that we are weak—that we are pusillanimous—that we are unworthy of the trust which is confided to us—that we are no longer the zealous and conscientious trustees of the public interests. It is not because the power of Parliament is inadequate to the preservation of its just rights. Let any man look to the history of the country—see to what hostility those rights and privileges have been exposed—see from what quarter the attacks have proceeded—see the dangers which have been overcome. And you, Sir, are sitting here, and this House is enabled to continue its deliberations, and discharge its duty to the public, only by reason of the full power and energy of the House having been exerted to preserve and defend its rights from attack. But we are to be told that our power and authority to maintain our privileges is gone! Remark the course of the speeches that have been made. The right hon. Baronet has said that you are opposed by your own precedents—that you are pursuing a dangerous course—you cannot shrink from that danger, because you have made those late precedents to which he adverted, and which he now calls on you to follow up. He says that you have made these precedents, and that you cannot now recede from them. Then, why accumulate your difficulties, why add to those precedents, by which you say you are bound and fettered at this moment? Why are former bars to be strengthened, former chains to be riveted? What says the hon. and learned Attorney-general? He says — Do not vindicate your privileges on this occasion; wait till some more formidable opportunity arrives; wait till the public interests are deeply at stake, till you have accumulated precedents, by which it will be said, and said with more force than it can now be said, that you are irrevocably bound. You will be told you have gone on your own authority, you have made precedents, and now you are pursuing another course; you have laid down the law of Parliament according to your own view, and by your own conduct, and now you ask to go back and act in the face of that course which you have for a long period pursued. Is not that probable? If the right hon. Baronet be right, and if these precedents be ill-founded, and tend to fetter this House in its liberty of action, in taking measures for the public weal, if they obstruct the performance of its duty for the future, then abandon them, and take the course which your public duty points out. Whom does this House represent? What are the interests confided to its care? Is this Parliament to be told you have done wrong once and again—you have bound yourselves, and chained yourselves from doing right? You have brought the liberties of the country into danger, the privileges of the House of Commons into danger by your own conduct, and you are now called upon to take a step which will add to that danger. I ask you then to judge what the public interest requires —I ask you to look at the constitution of this House, of which the functions are essential to the maintenance of the best interests of the nation. Let that be your guide. Do not tell me that you have three or four trumpery precedents of twenty or thirty years' standing, and tell me at the same moment that new precedents and new difficulties are to be created. I have warned you before that the time must come when these precedents must be annulled, and when you will be compelled to make a stand. I know it is said by some Gentlemen, who really, I must say, speaking with all respect, seem to me, excepting the right hon. Baronet, to have very little considered the subject, that you ought to define your privileges by act of Parliament. An act of Parliament to define your privileges! It is not within human power to do that. Who is to say what shall be the privileges you will be called on to exercise? The right hon. Baronet said most truly, if I may be permitted to say that I agree with him, that it was in the power of the House to send any man into custody without a previous summons. That is a most constitutional doctrine, and I will venture to say, if I may support him, that it is founded on most constitutional precedents. What are your privileges? To consult for the public interest in every exigency, so that you may be enabled to legislate advantageously for the public. Suppose you have a conspiracy at this moment raging from one end of the country to the other, it is plainly impossible to foresee the measures of police which might become necessary. Suppose a secret committee sitting at this moment, and that important witnesses were to abscond, on whose information the House might be called upon to put in practice immediate measures for the public security. The principle stated by the right hon. Baronet is therefore most correct; it is essential to the privileges of this House, which are not intended to give you power to exercise a tyranny over your fellow-subjects, but are entrusted to your hands, because no man can foresee what step may be requisite for the public interests, and no man can tell what powers you ought to possess. Let the necessity arise to which the right hon. Baronet referred—suppose it necessary to issue a warrant for the apprehension of an individual. What would be the consequence? The course you are now taking limits the House to the consent of the courts of law. Your right to do that would not stand for a moment. What would your warrant disclose? Not that you had committed a man for contempt, because you would be above stating anything that was not true—you would be above acting in any such manner; the warrant would state that it appeared to the House to be expedient to send for such a person. I think the Attorney-general and the Solicitor-general would be of opinion that such a warrant was bad; I know that we were told by them that the last warrant was bad, because some persons acted under it who were not named in it. I differed from them on that subject, but I ask most respectfully of the right hon. Baronet to look at his own view of Parliamentary privilege—to look at the condition of the present times, with associations of every kind in existence throughout the country. My hon. and learned Friend just returned yesterday from a prosecution which he conducted with so much benefit to the public and honour to himself, so that he did not leave behind a particle of irritation, even in the minds of such persons as he brought to public justice. Look at the nature of the spirit which was now abroad—how can you tell the powers of which the public safety may demand the exercise? Beware, then, I say, how you go on accumulating precedents and laying the foundation for arguments which will be employed against yourselves. You forget that one of the plainest privileges that could be imagined, one on the existence of which the leading Members of this House have declared that they entertained not the slightest doubt, was that of which the Court of Queen's Bench had refused to admit the existence, and which the Legislature had afterwards been obliged to establish by enactment. If you had wanted a recent instance to warn you —if the Constitution had not told you—if your statesmen of the greatest experience had not told you, that the minds of lawyers were not the best constituted for forming a judgment on great subjects like this—if you had not known that their habits of thought, their modes of arguing, and the duties to which they are accustomed, had incapacitated them from enlarging their minds and extending their views, like the politician—if you had not seen that the narrowest views on the greatest subjects, had generally been entertained by lawyers of eminence, would not that example instruct you? What could have been deemed safer than to say that this House had the power it thus claimed to exercise? I ask the first Minister of the country, a man of long experience and knowledge, who now holds the reins of Government—I appeal to the members of the late Administration —and yet how did the Court of Queen's Bench entertain your claim? What said Mr. Justice Patteson, a most venerable judge, whom I cannot name without expressing the reverence I feel for his character, "You must burn all your papers at the end of the Session." You ask what is to be done, and you are told that is your only remedy—that is your only course if you wish to avoid giving offence. Look at some of Lord Denman's opinions—remember that which he expressed concerning the reading of licentious books by the inmates of a prison, old and young persons, placed there with a view to their reformation and amendment. What in the world, he asked, had that to do with the case? If they had got into his own family, he would have seen in a moment what they had to do with domestic government. That any man should be found to say, that licentious and profligate writings, and their use by prisoners, had nothing to do with prison discipline, I own has astonished me. That and many other things surprised me in that judgment—a judgment which I will venture to state, if it came to be correctly examined, would be found to contain less of accurate law, as well as less of good sense, than any judgment ever pronounced. I may be deemed inconsistent when I say, that although I entertain the strongest opinions on the subject, yet I would not wish to detract from the general authority, wisdom, and learning of that noble person: but I advert to the circumstance in strong terms, because it is necessary for this House to consider whether that court is a tribunal to whose judgment they should entrust their privileges. The necessity of this warning is my apology for any strong expressions I may have used. You recommend an act of Parliament; but when the occasion arises, the House of Lords may have a difference with you as to your right to the particular privilege in question. On what considerations are the privileges of the House constitutionally founded? They are necessary to protect the House against the Crown and against the House of Lords, to maintain its own efficient and independent existence. What is the security that the Crown will be advised to give its assent to the act of Parliament, or that the House of Lords will concur in it, if human ingenuity could frame it? You have got the act, but what did I take the liberty of saying at that time? When doubting the value of my own judgment on this subject, or the weight of the opinions I may have delivered respecting it, I have been now and then emboldened by reflecting that I perceived, step by step, the formidable inconveniences which had occurred, and which would occur, from the first time the question of printed papers arose. You choose to legislate—in my humble judgment it was unnecessary—and I respectfully told the House so when the bill was brought to confirm that portion of your privilege then in dispute. I said you will soon find it necessary to legislate on another privilege, and so you will go on till some important privilege, essential to the usefulness and honour of the Legislature, shall be brought into question; but once let the Lords differ from you, and there will be an end to all your legislation on privilege. You will go on from little to little, till the House becomes more distinctly the subordinate of the House of Lords, and then I should like to know your chance of an act of Parliament which would ever raise you to the co-ordinate authority you now possess. The right hon. Baronet has stated most accurately in his speech, and I rejoice that it will be put on record, what is the nature of the privilege of Parliament. Sir, I have no doubt the right hon, Baronet will live well in history, but the respect I have for him induces me to add, that if this motion passes, he will acquire an immortality that will be little envied. Will he consent that posterity should say, that the first minister of the Crown was a man who counselled and procured the surrender of the privileges of the House of Commons. I do not think that his honours, of which I doubt not he will have a fair share, will be redeemed from the stain thrown on them, by citing the precedents of the noble Lord who sits near me. I think, with all respect, that the noble Lord was wrong in the course he took. I do not think the right hon. Baronet can cover himself by referring to him in support of the course he recommends. I hope, Sir, I have said nothing that is offensive, and I will now ask what is the practical result of the proposition now made? We know that Lord Ellenborough, in the year 1814, was the first who, in modern times, called the privileges of the House into question. Up to that time their existence had been taken for granted for a long series of years, and by men of the highest legal authority in the kingdom. The names most honoured in the legal history of this country will be found to have laid down the principle, that this House is the sole judge of its own privileges. There is, undoubtedly, one exception, the great name of Holt. But it must be remembered, that Holt not unfrequently differed in his opinion from his brethren on the Bench, and that he was not unfrequently found to be in the wrong, and that on that occasion he differed from all the other judges; there were eleven to one against him, and it has suited the adversaries of Parliamentary privilege to value this splendid minority of one above all the eleven. But what said Mr. Justice Blackstone? He declared that the courts of law would look to the eleven and not to the one. On a former occasion, when I was indulged with the patience of the House, I enumerated the names of those great lawyers, from Coke upwards and downwards; they are among the greatest luminaries of the law, and their opinions are expressed in the strongest terms; and it was not till 1814 that any surmise was excited that the courts of law would enter on this question. It was in the case of Benyon *v.* Evelyn that Sir Orlando Bridgeman chose to go out of his way and pronounce some *obiter dicta* inconsistent with the authority of the great men who had gone before him. It was a judgment in a case in which the freedom from arrest of the servants of the Members was disputed. Bridgeman had been expelled from, or had left the Parliament in the reign of Charles 1st; he was much attached to that unfortunate monarch, and warm with resentment at the power and authority of the House of Commons, he chose at a time when Parliament was not sitting, to indulge in a great deal of idle talk against the privileges of Parliament. It happened that the privilege then discussed was one which the Court of Queen's Bench denied, which had been admitted by former judges, and which was afterwards established by an act of Parliament. With that exception, then, the legal history of the country seemed to render it perfectly safe for the House of Commons to plead to the action brought in the year 1814. But that occasion furnished a memorable proof that it is never safe to depart from great principles. I took the liberty of saying, on a former occasion, that none of the precedents on which so much stress had been laid applied to this case. Perhaps what I then urged in support of that position was too weak to deserve attention, or require an answer—certainly, no answer has been given, either by the right hon. Baronet or by the hon. and learned Attorney-general, although I trust my hon. and learned Friend the Solicitor-general will attempt an answer. So far from applying they are cases which rather tend to show that you ought to pursue a different course; they are not guides, they ought to operate as so many warnings. I trust exceedingly that the right hon. Member for Montgomeryshire will attempt that answer. I confidently expected he would have advised a different course; I never expected to live to see him expressing an opinion that this House should plead; for I must say I have listened to him with the respect which is always due to him, and especially on an occasion of this kind; and all that I ever heard fall from him led me to expect, with the utmost confidence, that he would hardly be able to sleep in his bed if such a course were pursued. Stronger reasons, however, have no doubt occurred to him, and he agrees to the course now proposed. What he has said confirms me in the opinion I formerly expressed. Is it or is it not correct to say that the House of Commons pleaded in the case of Burdett and Abbott on the express recommendation of Sir V. Gibbs, who assured them that, as soon as the court saw that the act complained of was done with the authority of the House of Commons, they would inquire no further? Was not the House induced to plead on grounds the very reverse of those upon which the court adjudicated? If this be so, the ground on which this case is adduced as a precedent is removed. Mr. Ponsonby, Mr. Gibbs, Mr. Windham, and some others expressed their apprehension that the court should assume a larger jurisdiction than was anticipated. What was the result? Why, it was very true that the court did decide that the House had such a privilege; but did they decide that the House would be justified in exerting it without appealing to them? They acted inconsistently with that view, for they heard a long argument as to the fact whether the House possessed the privilege, and at last they decided the point, on the very dignified ground that, as almost every court had a similar privilege, they had no doubt of its existence in the House of Commons. The case went to the House of Lords. What course was taken there? My Lord Brougham, with another learned counsel, was heard in a long and elaborate argument, in favour of Sir F. Burdett, the plaintiff in error; but Lord Eldon stopped the argument on this question put to the judges—whether, if the Court of King's Bench were to commit for contempt, an appeal lay to the Common Pleas? The judges decided it would not, and the whole question fell to the ground. Now, I think that history settles the question as to the surrender of its privileges by the House of Commons. I want to have this question answered, aye or no. Did not Sir V. Gibbs, on whose authority the House voted that the plea should be put in, assure them that the court would look no farther than to see whether the act complained of was done with their authority? There cannot be a doubt it was on that assumption the House gave its assent to the proceeding. The result proved they were mistaken; for the court did not decide (as it was expected) that this House was the sole judge of its privileges. They affirmed the fact without answering the question in law, which the plea did not put in issue. In other words, they gave judgment in favour of the privilege, but against the authority of the House. That I take to be the effect of their decision. Is this, then, a precedent for you to follow? You are not now misled by an Attorney-general pledging himself that the court will restrict itself within certain limits. But we were told that the resolution to plead was adopted *nemine contradicente.* How can that be, when several speeches were made against it? There was, it is true, no division—as very possible there may be no division to-night, though for my part, I trust there will be —I trust some record will remain of opposition to this proceeding; but if there should not be any division, will a future Attorney-general be justified in acting on this motion as if it were unopposed? Now, so stands your first precedent, and a precedent essential to your case; for it is admitted, when you take it away, the whole superstructure you have built upon it falls to the ground. In the case of Stockdale and Hansard you thought fit to plead. I took the liberty of warning you against the proceeding. I said, "By your plea you certainly only tell the court you claim such a privilege; but although you don't give them jurisdiction, depend upon it it will be argued that you do. Depend on it the grounds you assume are not so broad and distinct as to satisfy every body of the nature of your claim, and you may be sure difficulties will afterwards arise from the course you are taking." Greater powers than mine prevailed. The House did plead, and the court, on hearing, decided against you. The House then thought they did more wrong than they were really guilty of, for though I conceived they had done wrong in consenting to plead, yet when it was agreed to plead, and it was consented to give jurisdiction, no complaint could be raised that the decision was against you. You were then about to take a very odd course; for it was suggested that the case should be brought by writ of error before the Exchequer Chamber. I think you were right not to confirm that proposal; for when you once allowed the case to go before the Queen's Bench, you could not complain that the four judges decided against you, and there was no just reason, why, on that account, you should appeal either to the Exchequer Chamber or the House of Lords. That is your second case. Following as it did the case of Burdett and Abbott, it should warn you how you proceed in future. Never forget that in Burdett and Abbott the *dictum* of Lord Ellenborough was propounded, on a point which did not attract public attention, but which being afterwards resorted to as authority, was taken as unquestionable law. Up to the moment of the case, I have just referred to it was universally conceded that to commit for contempt was competent to either House of Parliament Lord Ellenborough first qualified the general doctrine by observing,

> "I don't mean to say that if the Commons were guilty of absurd conduct, the Courts would not be justified in interfering."

Why suppose any such thing? Why suppose that the judges should be more alive to propriety than the House of Commons? Why suppose any case would be sanctioned by the House of a character that must outrage all law? Such a presumption on which to base authority was not founded in law. It may be applied to every tribunal. Again, in the case of Howard and Gossett, we were assured the action was brought for excess. I argued that no ground was furnished for pleading; but it was urged that a trespass had been committed in breaking and entering a certain house under the Speaker's warrant. I replied, under this declaration, the question of the right of the original entry will not be limited to the excess, and you have no security that the court will draw such a distinction. Besides, we know not what is the extent of our authority until we ascertain its limits. You refer the question of the authority of the warrants of this House to the courts of law. I deny that the courts have jurisdiction in such a case. Suppose that Howard acted as an instrument for securing the objects of Stockdale. Shall I be told, what no lawyer doubts, that the officer of this House should not remain in his house for a few hours in order to secure his person? If a lawyer doubts on this point, I hope no statesman will say that the opinion of the judges (with every respect for their talents and judgment) should be the test of the warrants of this House. The liberties of the country can never depend on a special pleader's skill. Look at the report of Mr. Burke on Warren Hastings' trial, and see whether it justifies the assumption that the rules of courts of law should be applied to parliamentary proceedings. Again, see what was done in Sacheverel's trial. The judges being asked whether the particular matter of libel should be set out, answered that it should. But what said the Lords? The rules of law did not apply to parliamentary proceedings. I shall not be told that such a rule applies to impeachment only. I say, it applies to all parliamentary proceedings. Are you, Mr. Speaker, to carry about you a special pleader, who looks not beyond the fees which his practice brings in, who shall settle all the warrants you may issue, and are the privileges of this House to stand or fall, according to the accuracy of a pleader? Are the liberties of the people—are the most important functions of this House to depend on the technical rules of a pleader? I hear it asked—and a most important question it is—who is to judge of the legality of our warrants? I answer, this House, and this House alone. Why, do I say so? Because every court in Westminster-hall will differ as to what is a reasonable proceeding on our part, and what is not. Is such a safe tribunal? Should not every act of this House rest on something like certainty? Give the courts of law jurisdiction, and what is done in one court will be reversed in another. My hon. and learned Friend, the Solicitor-general may argue that a case may arise of a peculiar nature, calling for the interference of the courts. I say, in answer, the courts have jurisdiction, or they have not, and you must not select one case, but take all. Now, I say none of the "stream of precedents," limited to three cases which the right hon. Baronet referred to applies. I ask the Solicitor-general if there is one instance of an action being brought while Parliament was sitting against the officers of the House which was not stopped? The first case in the books was for an assault, and the man being taken into custody by a magistrate was discharged. The second was an indictment for an assault, which was quashed. [The *Solicitor-General*: In that case the constable was reprimanded.] [" Hear," *and a laugh.*] Well, I take it to be as my learned Friend asserts; but is it meant to be denied by the laugh on the other side, that the House did not constantly stop actions against its officers? Is it not notorious that repeatedly the House stopped those actions? But what I say is, Do not place implicit reliance on my statements, or those of my hon. and learned Friend; give us a committee that will accurately examine the cases, and throw such light on the question as must remove the least doubt from every mind. If you feel hampered by two or three cases, the stronger the necessity for a committee to see what has been the usage of Parliament through a long series of years. I say both the House of Lords and Commons have been in the habit of stopping those actions. But did the precedents quoted apply in this case? Are you now for the first time without alledging any special matter to plead to this action? If you are, do you mean to go on and to depend on the energy of a future House of Commons, setting aside this precedent, if an occasion should offer? Is that a proper course? Why not act as this House has done on all occasions when the question of privilege really arose? But I am asked, "Why commit for this or that offence? Why confine the power to subordinates?" Why don't we, you say, commit the judges? Because now, from their elevated station in the country, connected as they are with the administration of justice—we should do more harm to the general character of our constituents by committing them than we should do good. I beg leave to say, when I assert that I am reporting the opinions of others, rather than my own impression, I have no hesitation in saying (though I am not a rash man, or given to desperate proceedings) that I should have attempted to persuade this House to call those judges before it. But although I say that, I by no means assert that the Commons took an improper course in acting in consistency with long established precedents.

But I must maintain that there never was a case in which the House was more called on to determine whether the judges had any jurisdiction over Parliamentary proceedings. But then no possible unworthy motive could be attributed to them for the course they took. They acted as honourable and conscientious men. There was a natural indisposition to contest the question with men of their station, and it was resolved to suffer some inconvenience rather than do so. The right hon. Baronet asks, very plausibly, how can we refrain from pleading in this case? I never disguised from myself, or attempted to conceal that there are serious difficulties connected with the question; but they are the difficulties which always accompany contending jurisdictions. You tell me that your plea does not involve the question of privilege. And this in the face of a decision in which the courts have already decided on your privileges, as the right hon. Baronet must think erroneously! Are you prepared to proceed in undermining the authority of this House? What must be the effect of your decision on other Houses of Commons? The right hon. Baronet said, if he had known that such a precedent would be established by the former case, he would not have pleaded. And now that you have experience of the mischief, you persist in the same course. The hon. and learned Gentleman then proceeded to say, that he expected in this case the decision of the court would be with the House, because the warrant simply stated that the party had been guilty of contempt, without setting forth the cause of contempt. The court, therefore, in consistency with a recent decision of its own —he knew not, however, how soon the precedent might be over-ruled — would hold itself bound not to look into the cause. But, at the same time, he prayed the House to look into the language used by Lord Denman when the *habeas corpus* was granted in the former case. The noble Lord had said, he hoped it would not be supposed the House had made the warrant general, in order to prevent the court from looking into the cause; but, at the same time, he believed it was perfectly well understood that that had been done. He, as far as he had been concerned, had taken care to the utmost of his power that there should be as little as possible for the court to look into, and in so doing he believed he had best done his duty to that House, as a Member of it. What was the danger of submitting their privileges to the courts of law? On that point let them remember what had been said by the right hon. Baronet. What had kept the constitution in its place? The independent authority of the House of Commons. What had enabled them to resist the prerogative of the Crown at one time, and the attempt of the House of Lords to increase its jurisdiction at another? What but the independent power of that House to preserve its privileges? Why, they were altering the whole constitution of the country. They saw that there was a privilege, formerly an essential part of the independent authority of the House, and they were about to remove it; to make it subordinate to the courts of law and the House of Lords, and then they thought things would go on just as usual. Those who handed over the privileges of that House to the courts of law were inflicting a deadly wound on the constitution. He could not concur in what had been advanced by the right hon. Baronet, who, as he understood the argument, seemed to think that the present was not the occasion to move—that they should wait till some great time of public excitement arose. What were those occasions to be? If the present was not the fitting time, when was that time to come? What were to be the circumstances to make it a fitting time? Let the House look at the present case. An important and most essential privilege was brought into jeopardy—perhaps altogether denied. An action had been brought connected with that privilege. Was not that a great and impending evil? Besides, they ought not to reserve a great question of this kind until some occasion of excitement should arise when it might probably be mixed up with some important matters of another kind altogether, and when consequently there might be a hazard of a wrong conclusion being arrived at. In contending for this privilege the Members of that House were asking for nothing of personal advantage or convenience to themselves. It was for the country and the country alone, and for the powers of legislation they were contending; and if ever there was a time when that privilege should be contested, it was the present. They would act a part the least becoming of statesmen if they shrunk from the present evil, waiting and postponing their decision until circumstances should arise of urgent importance, over which they had no control, should compel them into a definite course. The case was one which one Government would not willingly undertake; but delay would go on, each Ministry leaving the question to its successors, and in the end the country would be the sufferer. With respect to the case of Howard and Gosset, he said that they had shown upon how frail a ground privilege rested if referred to the courts of law, even as to the extent of those privileges. The part he had taken in that case was, that he was of opinion the course proposed was an improper one; and he protested against it. But when that course was decided upon, it became then his duty to render his best assistance in carrying it out. Before the case had come to a conclusion his hon. and learned Friends had succeeded Lord Campbell and himself (Sir T. Wilde) in office. He appealed to them whether he had shrunk from any labour, and whether he had not furnished them with every information in his power? There were stages in the proceeding when he should have desired to come back to that House, with a view of undoing what had been done; but when his hon. and learned Friends thought there had clearly been an excess of authority on the part of the House, he had then returned his brief, stating in writing his reasons for so doing. His hon. and learned Friend had said he should have been glad if he (Sir T. Wilde) had continued in the case to the last moment; but a variance in opinion with his leader when in chambers, where he could express that variance in opinion, was a very distinct thing from a difference with his colleagues in court. There he should have felt himself bound to follow the course of his hon. and learned Friend. For a junior to differ from his senior was like a breach of allegiance. Nothing, however, should induce him to follow a course he deemed inconsistent with his duties as a Member of that House, and he had resigned his brief, and retired from the case. The reason why he opposed pleading in this case was, that he thought they would be thereby adding another precedent, and be postponing the evil only to aggravate it. But was there no course which the House could take even on a less high principle than he contended for? Let them consider whether that House was not bound to forbear to plead, even although it was content to stand upon the same footing as the courts of law only, and that it claimed no higher jurisdiction. He had cited some cases the other night as to that point. It was a general principle adopted by all the courts, that a commitment for contempt of any court, or an action against the officers of any court, should not be permitted to be inquired into by any other courts. Therefore he contended, even placing that House (for the sake of argument) upon the same position as the courts of law, degrading that House from its constitutional rank to the level of the ordinary courts, they were still by the course they proposed to pursue sinking that House lower, as compared with the courts, than those courts stood in relation to each other. One court of law would not inquire into the commitments of another court of law. The principle was, that each court was to be the sole judge in matters of contempt relating to that court. That was the universal rule. All the courts of law held their place in the country by powers which that House thought itself too weak to be entrusted with. He repudiated the argument, that although they had the constitutional power, it would be inconvenient or unpopular to execute it. If they were contesting the point of maintaining the authority of the House of Commons, he could not hear of inconvenience and unpopularity; or that that authority having been given to them, they would not execute it from motives of expediency. The Court of Chancery had exercised an equitable jurisdiction for many years. How had it maintained it? Solely by process of commitment. True, that power was not suspended or interrupted, as in the case of Parliament, by a prorogation, but that power of imprisonment was no more than the courts had in maintenance of their jurisdiction. That power was sufficient for all practical purposes. In the case of Exparte Clarke, an order had been issued upon Charles Clarke to pay a certain sum of money. He evaded the process of contempt. A commission of rebellion was issued against him. Two officers sought C. Clarke with the writ, but he evaded them. The commissioners of rebellion thought he was concealed in the house of his brother, Henry Clarke, and there they went to ask for him. They were told he was not there, but they insisted upon searching the House for him. In so doing he thought they exceeded their authority, the house being the house of Henry and not of Charles Clarke. After the commissioners had searched the house, Henry Clarke called the watchmen and gave them into custody. They were taken to the watchhouse, but were discharged on producing their commission of rebellion. Upon this, application was made to the Vice-chancellor to commit Henry Clarke upon the ground of his improper resistance to the execution of the process, and the Vice-chancellor committed him accordingly. Henry Clarke then brought an action of trespass against the commissioners for entering into and searching his house. Application was then made to the Vice-chancellor to stop that action. An appeal was made to Lord Lyndhurst (then Lord Chancellor), first, to discharge Clarke from commitment; and, secondly, to discharge the order on stopping the action. Lord Lyndhurst said he saw no reason to depart from the Vice-chancellor's decision as to the party being committed without being heard, and he (Lord Lyndhurst) had come to the conclusion that Clarke had committed a contempt for which he might at once be committed. The Vice-chancellor was justified in ordering him to stand committed, and it made no difference whether he were a party to the suit or not. Lord Lyndhurst then said that the Great Seal had always sustained its rights, and he would not allow the case to go before a jury. As to the argument that the commissioners being mere volunteers, and not officers of the court, were subject to Clarke's process, the answer was, that they were officers *pro hac vice*, and, as such entitled to protection. Then there was the case before Lord Brougham, in which his Lordship had said, that if an action were brought to dispute the authority of the court, it was his bounden duty to stop that action; but if the party only complained of some irregularity on the part of the officer, it was in the discretion of the court whether or not to stop the action. Lord Brougham might be justified in that assertion upon principle. In laying down his judgment, the learned Lord referred to some questions of privilege, upon which he entertained strong feelings, but with those upon his mind he ruled that the Court of Chancery was bound to stop an action which should question the authority of its process. That of Anstruther, which he had before mentioned — which, although it had been lightly considered by his hon. and learned Friend, yet contained some general principles—in which Chief Justice Eyre went into the history of the Court of Exchequer, put the case of jurisdiction upon general grounds of law, as well as the particular jurisdiction of the courts. Chief Justice Eyre said:—

> "The power of enjoining parties to forbear from actions was formerly exercised with a high hand, on the ground that proceeding before other tribunals was a great contempt. On these questions the Court has proceeded on plain analogies, for there is no Court that suffers its power to be insulted or its process materially interrupted; and whenever this is attempted, a great contempt is committed, on which all the Courts proceed by attachment."

The whole of that judgment proceeded upon the ground that no court would suffer its particular processes to be brought into question, and decided upon, by other courts. That House, then, in resisting an attempt to appeal to other courts, only claimed a power that was exercised by all the courts in Westminster-hall; for if there had been an attachment granted by any one of those courts, it would not have permitted that process to be inquired into or tried in any other courts. The House of Commons, above all, was bound not to permit that to be done with its process, which the courts of law would not allow in regard to theirs. The law, as he had stated it, might be considered as a general rule common to all the courts; but that House was guided by a particular parliamentary law which was not possessed by other courts. He opposed the pleading, on the ground that it established a wrong precedent, and upon the ground that thereby the House admitted that they thought the time might come—and they seemed to be conscious it must come—when they would have to defend their privileges by their power. He appealed to the right hon. Baronet whether he believed he could rely upon legislative protection for the privileges of that House. The course proposed was placing in peril the constitutional authority of the House, and he contended there was no ground for pleading, either in principle or precedent. The plaintiff in bringing this action after the experience he had had as the attorney of Stockdale in the former proceedings, was inexcusable. For that person now to commence a second action, under the circumstances that he had done, was most contumacious. If the fact of his having been permitted to prosecute the former action was taken as a reason why he should not now be committed—what would the House say to the next person who should bring such an action? Would not the next person have a stronger reason to claim exemption than the plaintiff in the present instance? If the House did not in this place commit the plaintiff, it would indeed be establishing an awful precedent—a precedent, in the first place, for sending common cases of commitment to a court of law—a precedent, in the second place, for passing by altogether the conduct of an individual who ventured to bring an action of this nature, with full knowledge that it was a breach of the privileges of that House. He cared not whether Mr. Howard desired to be committed or not. He had no doubt that he did desire it, although he confessed he did not quite understand the reasoning of his hon. and learned Friend, who had attempted to show that it would be an advantage to Mr. Howard to go to gaol for the remainder of the present Session. Upon the grounds he had stated it seemed to him that the House was bound to commit Mr. Howard at all events. But the question of pleading to the action was perfectly distinct from the question of whether Mr. Howard should or should not be committed. He said that the Minister of the Crown, who led that House, was bound to take the responsibility, painful and embarrassing as it might be, of maintaining the just and necessary privileges of the House. It was not in his power, in the faithful discharge of his duty, to shrink from that responsibility — to make any temporary arrangement, and thus to allow the privileges of the House to be impaired by the establishment of bad precedents. He hoped, therefore, that the right hon. Baronet (Sir R. Peel) on reconsidering the determination he had formed, would be of opinion that there was but one way of faithfully discharging his duty to the public; and that way being—not at this or at that time, but at all times—by a just, a firm, but temperate course, to sustain the privileges of that House. If the right hon. Baronet were not prepared to take that course, he would incur a deep and fearful responsibility.

The *Solicitor-General* could not avoid expressing his disappointment, that his hon. and learned Friend, the Member for Worcester (Sir T. Wilde), after the long and eloquent speech which he had addressed to the House, should have closed his observations without making any suggestion, or giving even any hint, as to the course that he thinks the House ought to pursue. Although his hon. and learned Friend admitted, and admitted with him, the difficulty in which the House was placed, and the great danger which may result from taking a false step, he withheld from the House the advantage of knowing what step in his opinion, is the proper one for the House to take. He must say, that with all the research which his hon. and learned Friend had disclosed in his very able speech—with all his learning, all his talent—the House had a right to complain, that he did not point out any practical mode of extricating the House from the difficulty in which it was placed. The advice which he felt it his duty to offer to the House, he gave under a full sense of the responsibility he was taking upon himself, and he offered it at the time he did, because the parties who had been served with the process did not like to take upon themselves the responsibility of applying for time to plead, and it was necessary, therefore, to come to the House at the earliest moment, to suggest to it what, under the circumstances, would be the fittest course for it to pursue. He certainly could not regret the adjournment of the debate. He was exceedingly anxious to hear the opinion of other Members upon the subject—and more particularly the opinions of those who differed from him as to the course he thought it right to recommend. Many hon. Members had addressed the House upon the subject to-night. They had heard the noble Lord, the Member for London (Lord J. Russell), who did not disapprove of the course which he (the Solicitor-general) suggested. They had also heard speeches from several hon. Members who disapproved of that course, and especially from his hon. and learned Friend, the Member for Worcester (Sir T. Wilde); but they had heard no suggestion from any one of them as to any course that it would be more proper to pursue than that which he had recommended. He agreed with his hon. and learned Friend as to the importance and value of the privileges of that House. He hoped it was not necessary for him to state that he was as anxious to preserve the privileges of the House as his hon. and learned Friend. He was, indeed, most anxious that every privilege necessary for the due discharge of the great functions of that House should be kept to the House. At the same time, he entirely agreed with his hon. and learned Friend behind him, that it was utterly impossible strictly to define what the privileges of the House were. They must vary from time to time, according to the circumstances which might arise, and the functions which the House might have to perform. That being the case, he assented to the proposition, that no one could be the proper judge of what were the essential privileges of the House, but the House itself. He also joined with his hon. and learned Friend, although not for the same reasons, in deeply regretting the judgment of the Court of Queen's Bench, in the case of Stockdale *v.* Hansard. He had considered that judgment at various times, and in every way possible, and he owned that he could not bring himself to acquiesce in the propriety of the decision, that a publication by the order of that House could be legally considered as a libellous publication. But it was not because he wished to preserve the privileges of the House, it was not because he believed on one occasion, when a most essential privilege of the House was in question, the Court of Queen's Bench gave a wrong decision—it was not on that account that he was prepared to say that the House ought to prevent its officers from pleading when an action of trespass for executing the orders of the House was brought against them. Let them understand what it was that his hon. and learned Friend, and the Gentlemen who agreed with him, contended for. The noble Lord, the Member for the city of London, said they ought to plead—that that was the only way in which the court could be informed, that their privileges were assailed. [Lord *John Russell* intimated his dissent.] Surely, that was what the noble Lord stated in the early part of the evening, when he moved, that the plaintiff in the action, should be brought to the Bar. He understood the noble Lord to say, that the officers should be permitted to plead, but that he thought some other step should, at the same time, be taken, and that Mr. Howard ought to be called to the Bar of the House, and questioned as to his reasons for bringing the action. But his hon. and learned Friend, the Member for Worcester, did not acquiesce in that course of proceeding. The important question to be determined was this—would the House adopt or reject the suggestion of allowing the officers to plead to the action? His hon. and learned Friend, the Member for Worcester, said that the House ought not to adopt that suggestion, that the officers ought not to be permitted to plead to the action; then he wanted to know how his hon. and learned Friend meant to dispose of the action? That was what he wanted his hon. and learned Friend practically to explain to the House. What did he mean to do with the action that had been brought? He would trace that action to its end, and ask his hon. and learned Friend how he proposed, and when he proposed to stop it? The action is brought—you do not plead. That is the first step. What is the next? Judgment goes by default, and a sheriff's jury is empannelled to assess the damages. Would his hon. and learned Friend, then, call upon the House to interfere? Would his hon. and learned Friend call upon the House to summon the jury who assessed the damages to the bar of the House, for a violation of the privileges of the House, and commit them to Newgate? Was that the first step that his hon. and learned Friend would take? His hon. and learned Friend appeared to intimate that he would not summon the jury? Would he take the under-sheriff into custody? If he would then take the under-sheriff, upon what principle would he now summon the sheriffs' jury to the bar? If his hon. and learned Friend once embarked in this course of proceeding, where was he to stop? Suppose that the sheriffs' jury have assessed the damages at a considerable sum. What is the next step? The plaintiff takes proceedings to have the damages levied. A writ is issued to the sheriffs to levy the damages. The sheriffs will either obey the writ or not obey it. Suppose they obey it: they levy the damages: the damages are in their hand, and they pay them over to the plaintiff. The plaintiff, therefore, receives the full amount of his damages, recovered from the officers of this House, and levied upon their goods and chattels. Can the House stop this?

Can the House prevent it? If the House can neither stop nor prevent it, what was the use of his hon. and learned Friend telling the House that it was surrendering the privileges of the House by taking the course which he (the Solicitor-general) recommended. These proceedings once commenced, the House could not stop the progress of them. Here, then, were the damages levied by the sheriffs, and paid over to the plaintiff. What would the House do next? Would it punish the sheriffs? His hon. and learned Friend says, "I will prevent all difficulty upon this point, readily and easily enough, I will tell the sheriffs not to levy, and if they do levy, I will summon them to the bar of this House, and commit them." You tried to do that upon a former occasion. You summoned the sheriffs to your bar—you committed them. What was the result? The damages were levied, and Mr. Stockdale put into his pocket the money which was levied upon the goods and chattels of the officers of this House. You could not prevent it. It was impossible to prevent it. They might put the sheriffs into prison, but they could not prevent the action going on if the parties concerned in it choose to perform what they conceive to be their duty in spite of their committing them for a month or two to the custody of the Sergeant-at-Arms. Put the case in the other point of view. Suppose the sheriffs, having received the order of the House of Commons, should say, "We will not execute the writ?" Accordingly the writ is not executed. What is the consequence? The plaintiff then applies to the Court of Queen's Bench for an attachment against the sheriffs. The judges of the Court of Queen's Bench issue the attachment. Who, then, are the parties implicated? Who, then, are the parties whom they must summon to their bar? The judges? They could not avoid summoning them; for in the case he was now putting they are the parties who were guilty of a breach of the privileges of that House. The sheriffs say they will obey the order of the House. The plaintiff then goes to the Court of Queen's Bench, and the judges of that court issue a writ of attachment. What would the House do? "Why," his hon. and learned Friend the Member for Worcester said, and it is the only symptom of faltering he had observed in him, "I cannot say that at this day I am prepared to advise the House of Commons to summon the judges." [Sir *T. Wilde*: I beg pardon. I said quite the reverse.] He should be sorry for one moment to misrepresent his hon. and learned Friend, and the instant his hon. and learned Friend said that he misapprehended him, he withdrew the observation. Although he certainly must say that the impression made upon him, and his hon. Friends around him, that what fell from his hon. and learned Friend was this, that although he would not himself (individually) shrink from the duty of summoning the judges to the bar of the House, yet that in these times he should not be disposed to see such a course adopted, for the feeling of the people would be against it. His hon. and learned Friend was right in considering the public opinion must, at least, be regarded as some ingredient in the course the House had to adopt. And let him ask in what a position would the House of Commons stand before the public if it summoned the judges of the Court of Queen's Bench before it under such circumstances as those which he had described? If here, in a popular assembly, actuated by political feelings, they were to subject the judges to be summoned before them, and to be questioned at their Bar, not for any corrupt motives — not for any impropriety of conduct—but for discharging their duty as judges according to the recognized principles of law. The judges so summoned before them would be questioned for having discharged their duty in the only way they could discharge it, according to the ordinary and recognized principles of law; for if the officers did not plead, they give them no notice that the privileges of the House were involved in the case with which they were called upon to deal. If they did not plead, the judges, in their official capacity, had no means whatever of knowing that the privileges of the House had anything to do with the case. Upon this point he would refer to the words of Mr. Ponsonby, when speaking upon the case of Burdett v. Abbott.

"In bad times of our history," said Mr. Ponsonby, "I admit that the House of Commons was in the habit of writing to the judges."

Aye, and so was the King, the Crown, and the Crown's Ministers, but what would the judges say to such letters in these days? Why, no doubt the judges would say as Mr. Ponsonby said:—

"If any such letter were written to me I should take no notice of it; the only way in which I could know the thing judicially, would be by bringing it before me in the ordinary and regular course of legal proceeding."

He said then, that if the present case should proceed in the manner he had described, it would be necessary for the House to summon the judges, and to question them, not for any corruption, not for any improper motive, but actually for discharging their duty according to the established principles of law, which no lawyer would say they were not bound to perform. Let them trace the proceeding a little further. The attachment issues; it is served upon the sheriffs; the sheriffs are arrested and taken to the Queen's Bench, or to Newgate. What would the House do? "Why," said his hon. and learned Friend upon a former occasion, "I will tell you what I would do. I would send the officers of this House to rescue the sheriffs; to take them out of Newgate, or out of the Queen's Bench." But suppose the gaoler should refuse to let them go. [Sir. *T. Wilde*: It has been done over and over again.] Done over and over again! Probably it had, although he must confess that he was not aware of an instance, and he had looked into the precedents as well as his hon. and learned Friend. But on a former occasion it was said, "What if the *posse comitatus* should be raised to defend the civil power—what then?" "Oh," said his hon. and learned Friend, "the privileges of the House of Commons would be quite safe even then. We should make a representation to the Secretary of State for the Home Department, and the Secretary of State would be bound to apply to the Crown, and the Queen's Guards would be sent out to rescue the imprisoned officers." That was the course stated by his hon. and learned Friend on a former occasion. He wanted to trace this case practically to its end. Would his hon. and learned Friend tell him that any other consequence would follow the refusal to plead than this collision between the House of Commons and the civil power of the country? It could not be otherwise. The able and eloquent speech which his hon. and learned Friend this night addressed to the House had this striking effect, that whilst it pointed out the evils that would result from pleading, it conveyed no information to the House as to the way in which those evils were to be avoided. Upon what principle of constitutional law was it then that his hon. and learned Friend said that the House was not to plead? If he understood his hon. and learned Friend, it was this—"The House of Commons is the sole judge of its privileges;" he agreed with him, "The privileges of the House of Commons ought to be recognised by the courts of law;" he went along with him, but did his hon. and learned Friend mean to lay down a proposition so broad as this—"that the House would not permit any question which may involve the privileges of this House to be decided in the courts of law?" And did his hon. and learned Friend mean to contend that the precedents which he had looked at with so much care, both before and since the case of Burdett v. Abbott, would bear him out in that view. He undertook to say that the precedents, from the earliest time, are entirely opposed to that view. He undertook to say that the House of Commons had never done anything of the kind—had never attempted to do anything of the kind. His hon. and learned Friend, (the Solicitor-general continued), had referred to three precedents —"Burdett *v.* Abbott," "Stockdale *v.* Hansard," and the precedent which had occurred in this very case. But the hon. and learned Gentleman seemed to have forgotten another precedent which took place in 1840—a precedent which was perfectly consistent with all that had occurred, so far as he could discover, from the earliest period. In 1840, when the Sheriffs were in the custody of the Sergeant-at-Arms, they sued a writ of *habeas corpus* out of the Court of Queen's Bench, and it was served upon the Sergeant-at-Arms, who appealed to the House of Commons. Now, why did the hon. and learned Member for Worcester, when he cited other precedents, omit to mention this? The Sergeant-at-Arms, on being served with the writ, came to the House and said, "Here are the Sheriffs in my custody. I have been served with a writ of *habeas corpus*. What am I to do?" His hon. and learned Friend, the Member for Worcester, to be consistent, ought to have said to the Sergeant-at-Arms, "Take no notice of that writ. If you obey the writ, and make a return to the Court of Queen's Bench, you will bring under the decision of that court most important privileges of the House of Commons. If you make a return, you will put it in the power of my Lord Denman and the other judges of the Court of Queen's Bench to say, that the warrant of the House of Commons is no justification for your having taken the sheriffs into custody, and they may be discharged." But what was the course pursued on that occasion by his hon. and learned Friend who then filled the same office which he had now the honour to hold as one of the law officers of the Crown? He would not say that his hon. and learned Friend had advised the Sergeant-at-Arms to appear to the writ of *habeas corpus*; but certainly during the debate which took place on the subject his learned Friend did not advise the adoption of a contrary course. Either the noble Lord opposite, or the then Attorney-general, now Lord Campbell—certainly one or the other of them—advised the House to allow the Sergeant-at-Arms to obey the writ, and to appear in the Court of Queen's Bench. He would not say with certainty that his hon. and learned Friend did not express some doubt upon the point; but, according to his (Sir W. Follett's) impression, his hon. and learned Friend took no part in the discussion—he neither expressed his assent nor dissent in regard to the proposition which was made either by the then Attorney-general (Lord Campbell) or the noble Lord opposite (Lord J. Russell). Just observe the consequence. His hon. and learned Friend, the Member for Worcester trembled with horror at the Court of Queen's Bench having the privileges of the House of Commons submitted to its decision; but what was the consequence of the course taken by the late Government on the occasion to which he was referring? The officer of the House of Commons did obey the writ; a return was made, setting out upon the face of it the warrant of the Speaker of the House of Commons, and the officer said that he held the sheriffs in custody by virtue of that warrant. The question was actually argued in the Court of Queen's Bench; and it was contended, on the part of the sheriffs, that the House of Commons had not the power to commit, and authorities were referred to. Nay, it was not only contended that the House had not the power to commit them; but they asked the judges to discharge them, from the very form and terms of the warrant. He wished to know where was the consistency, if in 1840, when Lord Campbell was Attorney-general, and his hon. and learned Friend (Sir T. Wilde) was Solicitor-general, the House of Commons, without the dissent of his hon. and learned Friend, allowed the Court of Queen's Bench to take cognizance of a matter involving one of their most vital privileges, where, he asked, was the consistency, after that case, in his hon. and learned Friend now opposing the very same course? But this question did not rest upon the authority of either the late Solicitor-general or of Lord Campbell. He defied his hon. and learned Friend, with all his research and learning, to show any authority for the opinion he now advanced, were he to go back to the case of Lord Shaftesbury, and trace them down to the case of the committal of these sheriffs. Lord Shaftesbury was committed by the House of Lords. The House of Commons committed Mr. Murray, because he refused to receive his sentence on his knees. He would not kneel to the House. He was brought up by *habeas corpus* to the Court of Queen's Bench upon that warrant, a return was made till he was in custody under the warrant of the Speaker for having been guilty of a contempt of the House of Commons, and the court held that they were bound to give effect to the warrant. There was the case of Sir John Hobhouse, who was also brought up, within our own time, to the Court of Queen's Bench by *habeas corpus.* Now, if his hon. and learned Friend's argument meant anything, it meant this, that the House of Commons was so tender of its privileges, and so jealous of the courts of law interfering with them, that it could not allow its officers to plead or its privileges to be brought under discussion in the courts of law in any case; and he stated this, notwithstanding the fact that where a party had been committed upon the Speaker's warrant, when he himself was Solicitor-general, the very question was submitted to the Court of Queen's Bench, whether the Sergeant-at-Arms had any legal right to arrest the party, and take him into custody upon such warrant? But when his hon. and learned Friend (Sir T. Wilde) said, that the House of Commons ought not, and would not, submit its privileges to the cognizance of the courts of law, let him (Sir W. Follett) tell his hon. and learned Friend and the House, that they could not possibly avoid it. [Lord *Howick*: "Hear."] The noble Lord who cheered would, no doubt, hereafter tell him (Sir W. Follett) in what way he supposed it could be done. Suppose they summoned Mr. Howard to the bar of the House and examined him, and committed him to the custody of the Sergeant-at-Arms, and that he should sue out a *habeas corpus,* what course was the noble Lord prepared to adopt? Was he prepared to advise the officer of the House not to obey that writ, or would he allow him to obey the writ? If he did either the one or the other, then he would tell the noble Lord that he distinctly put before the Court of Queen's Bench the very question which was now to be decided, the House should recollect also that its privileges may have to be decided upon by the courts of law in criminal, as well as in civil proceedings. His hon. and learned Friend, the Member for Worcester thought, that the officer who received the warrant of the Speaker had a full right to go into the House of the party, and remain there till two or three o'clock in the morning, or for any reasonable time. Now, be that so. But, suppose the owner of the House should take a different view of it, and should not recognize the right of the party to remain there. Suppose he should order the officer to go, and the officer refused, and the owner proceeded to enforce his order, and a scuffle ensued, and finally the man was killed, he would ask his hon. and learned Friend how he could then avoid the courts of law deciding upon their privileges? Did he mean to say, that in such a case the courts could not take cognizance of the act of their officer? Would the House appoint a committee to investigate the murder of the man, and report as to whether the officer was justified under the warrant of the Speaker or not. Nobody could doubt that the matter, under these circumstances, must be investigated by the courts of law, and that the guilt or innocence of the party would depend upon the judges' opinion as to the legality of the warrant, and the legality of the mode in which it was executed; and that if the judges thought the warrant of the Speaker was not a legal qualification of the acts of the officer, then the party who killed him would not be guilty of murder; or if there were any excess of force used under a legal warrant, the same result would follow. It is clear, therefore, that the House cannot act upon the principle of preventing any question which involved their privileges from being discussed and decided upon in the courts of law. It might possibly happen, and the assumption might be made that the courts of law were anxious to set themselves against the privileges of the House of Commons, and would seek an opportunity to decide against those privileges. The judges certainly might do so; but he did not think they would. He did not think that because, in the single case of the publication of certain papers (the whole evil of which case he believed to have originated in the resolution of the House itself authorising the sale of their Parliamentary papers), but he did not think that because in a single case the judges had decided against the privileges of the House, that a general feeling existed on the part of the judges inimical to the privileges of the House of Commons. He hoped he should not be misunderstood. He had already stated, that he thought the judgment in that case to be an erroneous judgment. He thought so at the time; he had considered the question since, and his opinion remained the same; and this he said with all deference to the learning and talents of the learned judges. But it did not follow, because the judges in the case of Stockdale *v.* Hansard gave a judgment which, in his opinion, and he believed in the opinion of the great body of the House was erroneous, that they were to assume that the judges of the courts of common law would, in ordinary cases, be disposed to make decisions against the privileges of that House. He could assume no such thing, nor could he believe it. But he must refer to the argument of his hon. and learned Friend with respect to precedents. With respect to cases brought before the court by *habeas corpus,* his hon. and learned Friend had overlooked that part of the case, because he was unable to answer it, as he had also overlooked the argument as it applied to criminal cases. He could not, however, believe that the House of Commons had ever acted on the principle contended for by his hon. and learned Friend. He could find no precedent to show that they did it, nor did he think that they did so; if they had ever done so it must have been very rarely indeed. It was true that the House of Lords had committed, on more than one occasion, persons for bringing actions for breach of their privileges; and in the case of the King. *v.* Patey, the House of Commons did it; but in most cases the House never thought it proper to interfere where the privileges were distinctly brought under the consideration of the court. He would now quote a case from the argument of Lord Campbell. The sheriff of Cornwall arrested a Member of Parliament; the House of Commons ordered him to be discharged; the sheriff discharged him. The plaintiff brought an action against the sheriff, and the sheriff pleaded the order of the House of Commons. Now, according to the argument of his hon. and learned Friend, that ought never to have taken place, because that was submitting to the court a question of privilege of the House of Commons. But it was done, and the question was argued on demurrer and judgment given by the court. He would refer to another case. Richard Cooke, a Member of Parliament in the reign of Elizabeth, was served with a subpœna out of Chancery: the House ordered certain Members, attended by the Sergeant-at-Arms, to go to the Court of Chancery, and signify to the Lord Chancellor, and the Master of the Rolls, that, by ancient custom, Members of Parliament were privileged from being served with subpœnas, and they required the discharge of Mr. Cooke, and that upon future occasions the like privilege might be granted to Members, upon the request of the House, signified under the Speaker's hand. The Lord Chancellor sent for answer that he knew of no such privilege touching subpœnas, and would not allow it, unless the House showed that it had been allowed by the Court of Chancery. Upon that the House directed a search for precedents. Before, however, the report was made, Parliament was dissolved. That was in the 26th of Elizabeth. The case was to be found in Hatsell's *Parliamentary Precedents*. In fact, in all the cases he had looked into he found no such jealousy of submitting the privileges of the House to discussion in the courts of law as had lately been assumed. He should now refer to that part of the argument of his hon. and learned Friend, in which he said that the modern precedents were not applicable. In the first place, he totally denied the existence of ancient precedents. He defied his hon. and learned Friend to produce any precedents before 1840 where the House of Commons had committed the officers of the Queen's Bench or the sheriff of a county, for acting in the ordinary discharge of their duty in a case, which involved the privileges of that House. Prior to that year there was not one such precedent on the records of Parliament. They might find precedents of the House having committed plaintiffs in actions, but he defied his hon. and learned Friend, or any other stander-up for privilege, to produce a precedent in which the House had proceeded to commit a sheriff for executing officially the legal process of the courts. He would now refer to one case in which the judges were committed, and which was generally quoted to show the extraordinary power of the House of Commons. He meant the case of Jay *v.* Topham. What was that case? It was an action against the Sergeant-at-Arms, for arrest and false imprisonment. The Sergeant-at-Arms was charged with having kept the plaintiff in custody, till he paid 30*l.* to get released. It was said that the House of Commons was not sitting at the time. He (the Solicitor-General) had not looked to see whether that was so or not; but the Sergeant-at-Arms pleaded, or attempted to plead, to that action the authority of the House of Commons. The plea was not formally pleaded—that appeared clearly from the reports of the case, and the Court of King's Bench decided that the plea in that shape was no answer to the action, and gave judgment for the plaintiff. What did the House of Commons do? Six years passed away, and nothing was done; but in the Convention Parliament, six years after the judgment, they summoned the chief justice of the Queen's Bench and the other surviving judge, to the Bar of the House.

Lord *J. Russell*: There was no Parliament in the interim; it was in James 2nd's reign.

The *Solicitor General*: Whether there were a Parliament in the mean time or not, those judges were summoned to the bar. What did they say? The Chief Justice at the bar of the House said that the privileges of the House of Commons he knew—he respected them—they were part and parcel of the law of the land, and every judge would recognise and acknowledge them; but that the plea was informally pleaded, and on that ground, and that alone, the court had given judgment against the defendant. What did the House of Commons do? Was this a precedent to be quoted on the present occasion? They sent the Chief Justice (Sir Francis Pemberton) and the other judge (Mr. Justice Jones) to Newgate as being guilty of a breach of privilege. Now, there was one part of what was stated by Sir Francis Pemberton at the Bar of the House which had been quoted by Sir J. Campbell in his argument before the Queen's Bench as the opinion of a great lawyer. It was this—

> "We did not (said he) question the legality of your orders, nor the power of them; but the great business was, whether the Sergeant-at-Arms had pursued this order of the House of Commons, and that was the thing properly examinable; but, on the other side, it would be a monstrous mischief to the plaintiffs if such a plea was allowed to the jurisdiction, for it would be agreed on all hands if Mr. Topham had abused his authority and done any outrageous thing, then it would be recognizable by the court."

Now, he (the Solicitor-General) believed that was the law as stated by Sir Francis Pemberton. He believed that the judges ought to recognise the warrant of the House of Commons and give it effect; but he was not prepared to say that it was any part of the privileges of that House or of the constitutional law of this country that if any abuse in the exercise of that warrant took place the common law courts were not competent to take cognizance of it. He proceeded now to what his hon. and learned Friend had said of the recent precedents as his hon. and learned Friend had particularly challenged him, but according to his view there were no precedents the other way; there were no precedents for the interference of the House with the courts of law, or for attempting to deprive them of their jurisdiction. He did not, however, deny that the House might commit a plaintiff for a breach of privilege. What he denied was, that there were any precedents to justify them in an attempt to interfere with the courts of law, or prevent parties from proceeding to judgment in the ordinary course. To come now to the case of "Burdett *v.* Abbott," his hon. and learned Friend said that that case was not applicable, and that it ought not, therefore, to govern the present case; and the reason, he said, of the House acting as they did in pleading in that case, was, that the Attorney-general (Sir Vicary Gibbs) misled the House by saying that the courts would, on being told that the committal was by order of the House, say that they could do no more. He was much mistaken if that was a correct statement of what Sir Vicary Gibbs said. What Sir Vicary Gibbs did say he would read to the House, and, as he understood it, what Sir V. Gibbs said was certainly law in his opinion. Sir Vicary Gibbs said,—

> "You have the power of committal—you are the exclusive judges of privilege—you voted Sir F. Burdett guilty of a breach of privilege—you sent him to Newgate. In my opinion (said he) that commitment is binding upon the courts of law, they will give it full effect."

But he said more; he said—

> "If the party is guilty of running into excess in execution of the warrant the courts will inquire into it."

But if he thought that the courts would inquire into the excess, then he must have considered that they would inquire what was the extent of the authority; one power followed from the other, or rather was part of it. But Sir V. Gibbs in the course of the proceedings in the House of Commons, on Sir F. Burdett's case, in 1810, said,—

> "He could not believe that so many able and learned judges were all mistaken about their jurisdiction, and he therefore thought that the privilege of that House had been formally recognised as the law of the land. As to the opinions which had been delivered by Sir F. Pemberton and Sir T. Jones, in the case which had been so often alluded to, he understood their opinions to be entirely as to the form of the plea- They did not deny that the matter of the plea would be a complete defence, but they conceived that the plea had not been put in as the form of the law required. But he could not agree with his hon. and learned Friend Sir S. Romilly, that the courts of law could ever take into their consideration and judgment the existence of the privilege claimed by the House."*

He entirely agreed with Sir Vicary Gibbs. He thought that the judges were bound to take notice of the privileges of the House. Sir Vicary Gibbs went on to say,—

> "That as it had been thrown out that there was considerable difference between the cases

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* Hansard, vol. xvi. p. 1002—1003.

of the Speaker and the Sergeant-at-arms, he felt not a doubt but that the judge on reading the Speaker's plea would refuse to listen to the action, but he could not feel the same assurance as to the plea of the Sergeant, because there might be a doubt whether he had or had not overstepped his lawful authority in the manner of executing the warrant."

The officers and the Sergeant-at-Arms might, no doubt, overstep their duty, and thus become amenable to the courts. This was the opinion of the Attorney-general in 1810. Sir V. Gibbs admitted that the warrant was a legal and a just one, and expressed his conviction that when the court was aware that the plaintiff was taken into custody by virtue of the Speaker's warrant, the court would not proceed with the case; but then he added, that if the Sergeant-at-Arms or any of the officers of the House of Commons had been guilty of excess in the execution of their duty, the court would inquire into that point. Even here, then, in this instance, it was clear that if any excess was committed, the question of the privilege of the House would come under the cognisance of the court, which when excess was complained of would have to inquire as to the extent of the power given by the warrant. His hon. and learned Friend the Member for Worcester gave as one reason why the case should not be submitted to the courts of law by way of plea, that the courts frequently came to different conclusions at different times, and that the privileges of the House should not therefore be submitted to varying opinions. But he would ask, in answer to this objection, were there not now varying opinions in the House itself with respect to the nature and extent of the privileges which the House claimed? His hon. and learned Friend said, that he would not consent to submit the privileges of the House to the fluctuating opinions of the judges. He would not seek for support for his argument from the manner in which, on former occasions, the privileges of the House had been abused; but did not his hon. and learned Friend know that it was claimed as a privilege of Parliament to commit a person to Newgate because he had dared to fish in a pond behind the residence of a Member of the House of Commons, and to commit another for hunting in the warren of a Member. If the decisions of the court with respect to the privilege of Parliament varied, so also did the opinions of the House, for such a privilege as that which he alluded to would scarely now be claimed. What, however, could be said for the consistency of the House on looking at the case of 1810? What, again, on looking to the case of 1837, and the other with followed, and in which the plaintiff was the same person, when in one case a plea was put in, and in the other not? Look again at the case of 1840, in which also the defendant was allowed to plead; and where, he would ask, was the consistency of the House of Commons in now refusing to plead? The course which he proposed to the House was that which had been supported by precedents for the last forty years, and how then could he be blamed for recommending it? He could not agree with the noble Lord, the Member for London, that it was incumbent on the House before adopting the course which he proposed, that it should rescind the resolutions of 1837. How had the noble Lord himself acted with reference to those resolutions? The noble Lord was a party to passing the resolutions in May, 1837. In that month, an action was commenced against an officer of the House, and application was made by him for permission to plead. The Attorney-general of the day recommended that the permission should be granted. [Viscount *Howick*: "Hear."] Yes, and the noble Lord who cheered, and who voted in favour of the resolutions which had only just been passed, spoke and voted in accordance with the recommendation of the Attorney-general. Yet now, the noble Lord seemed to indicate that he was doing something inconsistent with the resolutions of 1837, when, in May of that year, the noble Lord did the very thing which, in March, 1843, the noble Lord appeared inclined to condemn. An hon. Member had justified the course adopted, in the last action of Mr. Howard, on the ground of a charge of excess in the performance of the duty having been made. Now, did that make any difference in the case? Could a charge of excess be heard before the Court without at the same time, submitting to its decision the legality of the warrant and the extent to which it went, so as to ascertain how far the excess could be shown? It had been said that the House was misled on that occasion? Misled? In what way? Who misled it? The proposition was made by the Attorney-general. It had the support of the

Government. Could the noble Lord, the Member for London say that he had been misled? How could the question of excess be got at but through the question of the legality of the warrant? The judge must tell the jury that the warrant authorised the officers to do so much, and no more. It was clear, moreover, from the pleading that the plaintiff had full power and right in the late action of Mr. Howard, to call in question the validity of the warrant, but the proceeding of 1840 followed the precedent of 1837, and how could the House now consistently adopt a different course? He submitted that the only safe course was the course hitherto pursued. There were one or two other observations on which he was desirous of making a few remarks. It had been said by his hon. and learned Friend that there ought not to be any legislation on the subject; if he meant that it would be impossible by legislation to define the privileges of the House, he entirely agreed with him; but he did not think that there ought to be no legislation on the privileges of the House. His hon. and learned Friend had been guilty of this inconsistency—that in the midst of his argument he had said that one of the privileges a court of law had called in question had received the sanction of no fewer than three Acts of Parliament. There could be no doubt that Acts of Parliament had frequently been passed respecting the privileges of the House. He would not deny the possibility that the Court of Queen's Bench might decide against the privileges of the House. He would not say that there was no danger that this might at some time or other be the case, but suppose it did in this case, or any other, decide against the privileges of the House, as in the case of "Stockdale and Hansard," why he could only say, that the judges were like other men, fallible, and they might so decide erroneously. Nay, take it for granted that there might be a wish on the part of the courts to interfere with the privilege of the House, and that an ill-feeling were entertained against them. What, then, was the course which should be pursued? The constitution recognized no hostility between its component parts. The constitution took it for granted that the House of Commons would fairly and properly perform its functions, and it did not contemplate any hostility between that and the other parts of which it was composed. But then it also assumed the same with regard to the courts of law. It assumed that they would administer justice according to the laws and recognised their power as a component part of itself. If the decisions of the highest judicial tribunals should make against the privileges of that House, there was no other mode of avoiding the collision into which the House and the courts of law would then be brought than by legislation. Legislative interference was the only means which could be resorted to, as the evil could not be remedied by calling to the Bar of the House and committing the officers and judges of the courts, as such a proceeding would be a violent interference with the administration of the law. With regard to the precedents of the Courts of Chancery and common law, he did not think that a question of this sort was at all to be decided by a reference to those courts. His opinion was, that the House of Commons possessed great power and great privileges, and ought to be more a judge of those privileges than either the Court of Chancery or the courts of common law. The hon. Member for Lewes referred to the exclusive jurisdiction possessed by the Ecclesiastical and Admiralty courts and the Court of Session; but he was at a loss to know where his hon. Friend could find a precedent for saying that no action could be brought in the courts of common law involving the jurisdiction of the other courts? He (the Solicitor-general) apprehended that an action might be brought against any person in the service of the Ecclesiastical or Admiralty Courts, if guilty of any excess or impropriety, in the Court of Queen's Bench; and he knew of no precedent which excluded the courts of law from considering in like manner the privileges of the House of Commons. The hon. and learned Member for Worcester dwelt much upon the Court of Chancery stopping proceedings; and seemed to assume that the House might constitute some committee which was to decide whether there had or had not been an excess committed in the executing of the warrant, and that that committee was to compensate the party. But he did not state what he would do with the action. The action would go on all the time. They might appoint a committee, but that would not stop the action. The Court of Chancery, said his hon. and learned Friend, might stop it, and no doubt it would in one sense. What was the jurisdiction in the Court of Chancery? The great object and intent of the Court of Chancery was, that it should modify the proceedings of the courts of law by restraining parties from pressing their legal remedy too far. They could issue a writ of injunction, which upon being served on the party would prevent him from proceeding with his action at law. [An hon. *Member:* "How?"] That was the question he was about to ask his hon. Friend. They would do so, not by committing the judges, or by summoning the judges or officers of the Court of Queen's Bench before them. No; the Court of Chancery operated in this way—it exercised its jurisdiction by committing the plaintiff who brought the action. But if the House committed the plaintiff in this case—if it committed Mr. Howard to-morrow—did his hon. and learned Friend suppose that he could thereby stop the action? If they treated the plaintiff in this case exactly as they treated Stockdale, whom they sent to Newgate, the result would be the same, they could not stop the action. There was a great and important difference between the power of the Court of Chancery and that of the House of Commons. First, as to its effectiveness, the Court of Chancery had the power of committing for life. And the House of Lords had greater power of committal than the House of Commons. It might be that the House of Commons ought to have greater powers, but that was not the question; they should deal with the powers of the House of Commons as they found them, and at this moment they had not the power of committing beyond the term of the present Session, at the expiration of which time the person committed; would be discharged. During the recess it had no power at all over him, it could not arrest him, it could not interfere with him in any manner. How different was the power of the Court of Chancery, which could commit all the year round, could arrest at any time, and could imprison the party to the end of his life, unless he obeyed their orders! They must see and understand what the existing power of the House of Commons was; and if they had done him the honour to follow him through the various steps of this proceeding, he was sure they must admit, that it was quite impossible with its persent power to stop an action at law. He did not agree with his hon. and learned Friend, either, that there was any similarity between this case and the Court of Chancery exercising its jurisdiction in defence of its officers where an injury had been done. The Court of Chancery acted as a court exercising its power by issuing the ordinary writs of the Crown, and for its own suitors. It served its injunction and prevented the party from proceeding in his action. But the House of Commons had no such power. Neither could he agree that it was possible to draw a distinction between the cases of "Burdett *v.* Abbott," "Stockdale *v.* Hansard," or the last action of "Howard *v.* Gosset," and between those cases and the present. The noble Lord (Lord J. Russell) concurred with him the (Solicitor-general) in proposing to plead, but said they ought to call Mr. Howard to the bar for the purpose of questioning him. With what object did the noble Lord propose to take that course? The House ought to know that. Did he propose to ask Mr. Howard why he brought this action?—and, if so, what would the noble Lord suggest in the event of Mr. Howard replying, that he brought it because he conceived that Sir W. Gosset had no right to arrest him under the warrant of the House? Would the noble Lord commit Mr. Howard to Newgate? Or, suppose he should say that the action was brought for an excess of authority by the officers, would he dismiss him from the Bar, telling him that he was guilty of no breach of the privileges of the House, and that anybody might bring an action for an excess in the execution of the warrants of the House? Suppose, again, that Mr. Howard would not tell his object, would the noble Lord commit him? Would he release in the one case, and commit in the other—or whatever Mr. Howard's answer was, was he prepared to commit him? If such was the noble Lord's intention or object, he should state at once that he wanted, not to interrogate, but to commit him, at the same time that he allowed the officer to plead, a course to which he the (Solicitor-General) was decidedly opposite. As regarded the present state of the proceedings, they could not tell what the party meant to do; but if Mr. Howard were to say, now at the Bar, what he wrote to the hon. Member for Finsbury on a former occasion,—namely, that he was not bringing this action to call in question the Speaker's warrant, but for excess, then would the embarrassment of the House be increased, inasmuch as they must adopt one of two courses — either dismiss him from the Bar, and thereby admit that in no case whatever would they commit in an action for excess, or else commit him for bringing his action, although they had not done so in the case of this very plaintiff in 1840—but had privileged those officers to plead to the action then brought by him. On these grounds he objected to the noble Lord's proposition, and should vote against it, and he called on the House to vote for the resolution which he had proposed to them, and which was not only consistent with prudence, but which was the only legal and constitutional course which the House could adopt.

Viscount *Howick* said, though he did not possess the legal knowledge of the hon. and learned Member who had just spoken, he would nevertheless venture to point out the gross inconsistency into which the hon. and learned Member had fallen, and to protest against the course the House was about to adopt. The hon. and learned Gentleman, at the commencement of his speech, had said that he adhered to every word of the resolution of 1837.

The *Solicitor-General* assured the noble Lord, that he said nothing about the resolutions of 1837, till he came to address himself to the argument of the noble Lord opposite, that the House ought to rescind those resolutions before it proceeded with that which he (the Solicitor-General) had recommended.

Viscount *Howick* would ask whether the hon. and learned Gentleman did not say, that the House was the sole judge of its own privileges, and that it rested with the House, and not with the courts of law to determine what those privileges were. The resolution of 1837 sated, that

> "By the law and usage of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges, and that the institution or prosecution of any action, suit, or other proceeding, for the purpose of bringing them into discussion or decision, before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege."

And yet the whole speech of the hon. and learned Gentleman was an elaborate argument to prove that the House might, indeed of right, be the judges of their own privileges, but that whatever might be their right, was quite immaterial, for that they had no means of enforcing their right, but must ultimately depend upon the courts of law, since against those courts the House had no power to struggle. The hon. and learned Gentleman's argument was, that if the House refused to plead, they would not be able to maintain their own privileges, and that if the House did plead, they had no assurance that the courts of law would not decide against the House. However clear might be the law, although the precedents were constant and uniform, and although the privileges were certain, they had no assurance that the courts of law would not decide against them; and if they did, what remedy had the House! The hon. and learned Gentleman said the House was equally powerless to resist the judgment of the courts of law as it was to resist pleading to the action; that they had only to take the case by writ of error to the House of Lords, or to get an act of Parliament to clear up the difficulty. Either, therefore, in their appellate capacity, or in their legislative position, the House of Lords were to be the sole judges of the privileges of the Commons. That was the result of the argument of the hon. and learned Gentleman; and if this were the true state of the case, let them lose no time in expunging the resolution of 1837 from their journals. The hon. and learned Gentleman turned round upon him (Viscount Howick), and said,—

> "What a gross inconsistency it was in you, in that year immediately after those resolutions were passed, to support the motion for pleading to the action then brought? Was there ever such gross inconsistency!"

He admitted that he, in common with other unlearned Members, did commit what he now thought was a great mistake upon that occasion, by bowing to legal authority. He had agreed to plead on the express assurance that the only effect of pleading would be not to acknowledge the jurisdiction of the law courts, but to give those courts information in the only technical and proper way the House could give that information, that this was a case of privilege of Parliament. Upon the faith of that assurance, which was made to the House in the most positive manner by Gentlemen of the legal profession, he assented to the course which had been adopted, but he must say, that the experience he had received, and the manner in which the House had been punished, were very good lessons to him not to be a party to taking the same step again. The moment they had pleaded, when contrary to what they had been taught to expect, there was an adverse decision, and it was a question whether it ought not to be resisted. The legal gentlemen turned round upon them and exclaimed,—

> "What inconsistency; you have asked for the decision of the courts of law, and because that decision is against you, you will not abide by it; whatever you may do in any other case, you can do nothing in this; Mr. Stockdale must pocket the damages."

He thought, that if the House had from the first maintained its privileges, it would have been in a better position; he had disapproved of the bill of his noble Friend near him; he had always been guided by his hon. and learned Friend near him (Sir T. Wilde), whose judgment seemed to him to have been uniformly right, and who had been consistent throughout the whole proceeding; and he was the only Gentleman in that House of whom he could venture to say so much. He, for one, was not prepared again to commit the same mistake which the House had then committed. Then the hon. and learned Gentleman asked,—

> "What do you propose to do if you call Mr. Howard to the bar?"

He had had no opportunity of ascertaining the views of his noble Friend, but he did not suppose that in proposing to call Howard to the bar, he intended to ask any questions, to which impertinent answers might be given. If Howard were called to the bar, he supposed the Speaker would be directed to inform him that the commencement of his action was a breach of privilege, and that if he continued it, it would be at his peril, and he should be punished. He would not follow the hon. and learned Gentleman through his elaborate argument, adduced to show, that the House had no power to maintain its privileges, but that they must acquiesce in the decision of the courts of law. If that argument were well founded, he said again, the House ought at once to rescind its resolutions on the subject of the propriety of that course. He for one was not convinced, for this simple reason, that he believed the House possessed for the defence of its privileges exactly the same power which the Court of Exchequer, the Court of Chancery, and many other courts possessed, which they found effectual, and which the House itself in former times had found amply sufficient for the assertion of its rights. The power he referred to was of commitment, which he was persuaded, if resolutely executed, was perfectly adequate to the defence of their privileges. The hon. and learned Member had drawn a distinction, and said the Court of Chancery could commit for life, and the House could only commit for a session. That was true; but the hon. and learned Gentleman, or at least the advisers of the Crown, had the power of determining the length of the Session, and, therefore, of the time during which refractory persons might be confined. Hon. Members did not, he hoped, suppose that he wished the hon. and learned Gentleman to inflict upon them such a hardship as to keep Parliament continuously sitting—far from it. But if it were necessary to maintain the privileges of the House, he apprehended there would be nothing at all unconstitutional in giving Parliament the ordinary period of relaxation by means of adjournments, instead of prorogations. That was a simple course to be pursued with any person who was inclined to harass the officers of the House with vexatious actions, and the power of the House would then be found to differ little from that of the Court of Chancery. The difference was not in the power, but in the resolution with which it was exercised. It was because the House had shown that it was not prepared to carry matters through with a determined spirit, that its authority had been braved. If they had acted in a different spirit, they would have heard nothing of this action. Even now, if they exercised the powers they possessed, he was persuaded they would succeed in maintaining the privileges which they possessed, not for their own benefit, but for the advantage of the country. He would only add, that by the resolution they were now about to adopt they would place the whole of their privileges at the mercy of the House of Lords. The admission of a power in the House of Lords to deny them any privilege which they might hereafter find necessary for the due discharge of their functions, would be the consequence of the fatal weakness of that night.

Mr. *T. Duncombe* said, no one who recollected the debates of 1840 on this subject, but must deeply regret that this question should be re-opened on the present occasion, and by a party from whom they had no right to expect it—he meant the present plaintiff. The first action, the

House would recollect, took place in 1836. There had been four actions against Mr. Hansard, and now two against Sir W. Gosset. The first action took its course; no cognizance was taken of it, and the jury of the Court of Queen's Bench found a verdict for the defendant. In 1837, Stockdale brought a fresh action against Mr. Hansard, and on a petition presented to the House from Mr. Hansard by the noble Lord near him, the House came to a resolution that this action was a high breach of privilege. Within eight days after that, in the face of that resolution, the Attorney-general was instructed to plead, and the House was assured that the verdict would be in its favour; but it was no such thing, and the House was obliged to pay the damages. Immediately after that another action was commenced, "Polack *v.* Hansard," which was brought by an attorney named Shaw. Polack was summoned to the Bar of the House, and then assured the House that the action had been brought without his sanction, and that it should cease, on which apology he was discharged. In 1839, Stockdale brought another action against Mr. Hansard. Mr. Hansard complained as before, and was referred to the resolution of the House which had been read. A prorogation soon after took place, the action proceeded and went against the defendant, and damages were assessed against Mr. Hansard at 600*l*. Parliament was called together in a hurry in consequence, and the sheriffs kept the money till the House of Commons met to see what was to be done. The sheriffs and all the parties concerned were immediately served with a copy of the resolution which the House had previously come to. It was then notified to the House that this had not stopped the proceedings—that the money must still be paid, and that Mr. Hansard's goods were even seized in execution. The House then ordered Stockdale and Howard, his attorney, to its bar. The right hon. Baronet said, if called to the Bar of the House, Howard would maintain a perfect silence; but what had he done on that occasion? He was then asked, "Are you the attorney of Mr. Stockdale?" He said, "Yes." "Have you received a copy of the resolution of the House?" He said, "Yes." "Are you aware that you are guilty of a breach of the privileges of the House in continuing this action?" He said, "I was not aware of it till I received a copy of that resolution;" and he stated this, that if he had by his conduct incurred the censure of the House, he most deeply and honestly regretted it. The Attorney-general immediately moved that Mr. Howard should be discharged, having expressed his contrition. When this action had been settled, and the 600*l*. paid, Howard then brought another action, for Stockdale, notwithstanding the expression of his former contrition, and he, his son, and clerk, were again summoned to the Bar of the House. He then stated, that he had been pledged to Mr. Stockdale to protect his interests, that he had consulted high legal authority, and that, as an attorney of the court, he was bound by his oath to bring the action. That was his justification at the Bar of the House of what appeared to be a breach of good faith, and the House had committed him, and also Stockdale, to Newgate. When this fourth action had been commenced, then the House began to see the necessity of doing something, and the Printed Papers Bill was introduced. In this bill (the Printed Papers Bill), as introduced into the House by the noble Lord, there was a clause putting an end to all actions pending, or that might arise, in respect of any alleged trespass in execution of the Speaker's warrant. Howard had at that time commenced his action. The bill went to the House of Lords. The Lords sent it back with the clause struck out. Then came the question, whether they should agree to the Lord's amendment, which rejected the clause extinguishing the pending actions. It was then that Mr. Howard wrote his letter, and, having read it at the time and referred to it in the course of the debate, it would be no breach of faith, on his part, if he now communicated its contents. The letter was dated from "Newgate, 12th March, 1840." It stated, that the action brough against Captain Gossett, was for exceeding his duty in executing the Speaker's warrant, and it went on to say, that if he had not avoided being served with a copy of the writ, the declaration would have been delivered and the cause of action made known. It then entreated the opposition of Members to the second clause of the bill, more particularly because, as the letter said, it would have the effect of depriving Howard of his legal right to commence an action. If, it added, Captain Gossett had not exceeded his legal authority, he would have his remedy; if he had, the House by assenting to this clause would be making an *ex post facto* law to Howard's injury. The Attorney-general received one of these letters, and the argument that the enactment of this clause would operate as an *ex post facto* law against Howard was used successfully in the course of the debate. He did say, therefore, that the House, and especially those Members who had voted against this clause, had been misled. They had been induced to suppose that no other action would be brought. This action had been commenced despite the conviction entertained to the contrary, and he did say that the authority of the House itself had been questioned by the proceeding. In point of fact the action had nothing to do with excess of duty. It was brought for carrying Howard to Newgate, and Howard must have known when he brought it that he was not justified, and that altogether the proceeding was an unjustifiable and wanton defiance of their authority. Not regretting the course he had taken on the previous occasion, he (Mr. Duncombe) thought that this question was totally distinct from that of publication. In conjunction with many others, he had maintained that their servant had no power to libel any individual, and that if an individual were so libelled, he was fully justified in going to a court of law for redress. That was the opinion of a minority in that House three years since, which minority, in point of fact, succeeded, because they were backed by public opinion. That same public opinion, however, which then assisted that minority would now, he felt convinced, sanction the proceedings of the House in its exercise of the power of commitment. That power was, indeed, essential to the authority of the House. They gave their committees power to send for persons, papers, and records. If they were not to have the power of commitment, how were they to obtain the attendance of those persons with the papers and records they might require? If they were not to exercise that power—why should not the sheriffs, whom they incarcerated some years back, bring their actions for the recovery of damages from the House? Why should not those other persons who were last year reported by the election committee for prevarication, and held in custody by the House—why should not they bring their actions? In fact, if the House did not make a stand, there might be no end to actions of this sort. He should vote, therefore, with the greatest pleasure for the motion of the noble Lord; and, even if the House at last determined to plead, he did hope, before doing so, they would bring Howard to their Bar, and hear if he had not the same submission to make, which he was quite ready to make on the occasion when he last appeared before them, and which, perhaps, might save much future trouble and expense.

Sir *R. H. Inglis* asked why, if the noble Lord were dissatisfied with the judgment of the Court of Queen's Bench, he did not carry the judgment further. His not doing so showed that he and those who then conducted the affairs of the country concurred in the judgment of the Court of Queen's Bench, and that it must be upheld. It could not now be contested when it was not contested in the legal and constitutional form. If there was any offence against the House the offence was on the part of those who gave the judgment, and not on the part of those who carried it into execution. Unless the House were prepared to commit the judges he could not but think that the course which his hon. Friend now proposed was the most consistent and safest course, and one which the general feeling of the country would support. Unless prepared to state that the privileges of this House were to outride the powers of the courts of law, they had better take the advice given by the Solicitor-general. For these reasons he should support the hon. and learned Gentleman's motion.

Mr. *Hardy* stated, that, he was anxious to say a few words to explain, why though as much an advocate for the just privileges of the House as any other Member, he should vote for the motion of his hon. and learned Friend the Solicitor-general. The noble Lord, the Member for Sunderland had accused his hon. and learned Friend of inconsistency in professing himself an advocate for the privileges of the House, and yet proposing that the officer should plead to the action, and thus probably bring those privileges into discussion by the House of Lords. He (Mr. Hardy) thought this a much more consistent course than that recommended by the noble Lord which was not to plead, but to commit the attorney for bringing the action. In spite of such commitment, the action would proceed; and there being no plea, judgment by default would be obtained, and the officers would be fixed with costs which were probably all that the attorney cared for. Actions might be brought near the close of the Session, and if the individuals bringing them were to be imprisoned that imprisonment must soon terminate; and yet the actions for want of pleas must go on, and carry judgment by default, and of course costs. Surely, it was more dignified in the House to permit its privileges to be pleaded before a court of law, than thus to be made a profit of by tricking practitioners, and incur the inconsistency of imprisoning the attorney, and yet permitting his suit to go on to a successful issue. But it was possible that the privilege contended for might be indisputable, and yet there might be illegality or excess in the conduct of those who acted under the authority of it, and was the party to have no remedy for such a wrong? All who had read no more of law than Blackstone's Commentaries, must know that it was the boast of the law of England, that there was no wrong without a remedy, yet unless the party injured could bring his action for such illegality or excess as that alluded to this maxim would be falsified. The hon. and learned Member for Worcester suggested the appointment of a committee to determine on the compensation which the party suffering should receive, but what dependance would he place on a committee being appointed, or if appointed on its granting him redress such as he could claim at the hands of a jury? The House might depend upon it that they could not long retain any privilege in the practical exercise of which they failed to secure the sympathies of the people, and of no wrongs were the people more justly jealous than of those committed under the guise of authority. A great distinction should be made between the conduct of a party who sought redress for undoubted wrong, and one who brought an action gratuitously for the purpose of disputing the authority of the House. The latter would deserve to be committed, the former ought to be assisted.

The House then divided, on the question that the words proposed to be left out stand part of the question:—Ayes 157; Noes 84:—Majority 73.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Ainsworth, P.
Antrobus, E.
Archdall, Capt. M.
Arkwright, G.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bentinck, Lord G.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burroughes, H. N.
Cardell, E.
Chelsea, Visct.
Cholmondeley, hn. H.
Christie, W. D.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Colvile, C. R.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Denison. E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Duncombe, hon. O.
East, J. B.
Eastnor, Visct.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Escott, B.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Capt.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimston, Visct.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hatton, Capt. V.
Heathcote, Sir W.
Henley, J. W.
Hepburne, Sir T. B.
Herbert, hn. S.
Hervey, Lord A.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Houldsworth, T.
Hughes, W. B.
Inglis, Sir R. H.
Irton, S.
Jermyn, Earl
Johnstone, Sir J.
Knight, F. W.
Law, hon. C. E.
Lawson, A.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, W. F.
McGeachy, F. A.
Mahon, Visct.
Manners, Lord J.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Miles, P. W. S.
Murray, C. R. S.
Neville, R.
Newdigate, C. N.
Nicholl, rt. hn. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Packe, C. W.
Pakington, J. S.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Powell, Col.
Praed, W. T.
Pringle, A.
Pusey, P.
Rolleston, Col.
Rose, rt. hn. Sir G.
Round, J.
Rushbrooke, Col.
Sheppard, T.
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Sturt, H. C.
Sutton, hn. H. M.

Taylor, T. E.
Tennent, J. E.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Vivian, J. H.
Waddington, H. S.
Wodehouse, E.
Wood, Col. T.
Wortley, hon. J. S
Wynn, rt. hon. C. W. W.
Yorke, H. R.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Armstrong, Sir A.
Bannerman, A.
Baring, rt. hn. F. T.
Barnard, E. G.
Blake, M. J.
Blake, Sir V.
Blewitt, R. J.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Cavendish, hon. G. H.
Childers, J. W.
Clay, Sir W.
Colborne, hn. W. N. R.
Craig, W. G.
Crawford, W. S.
Dashwood, G. H.
Duncan, G.
Duncombe, T.
Easthope, Sir J.
Ebrington, Visct.
Elphinstone, H.
Evans, W.
Ewart, W.
Forster, M.
Fox, C. R.
Gill, T.
Grey, rt. hn. Sir G.
Grosvenor, Lord R.
Hallyburton, Lord J F G
Hastie, A.
Hay, Sir A. L.
Hayter, W. G.
Hindley, C.
Hollond, R.
Horsman, E.
Howard, hn. C. W. G.
Howick, Visct.
Hume, J.
Hutt, W.
Labouchere, rt. hn. H.
Langston, J. H.
Listowel, Earl of
Macaulay, rt. hn. T. B.
Marjoribanks, S.
Marshall, W.
Martin, J.
Morris, D.
Morison, Gen.
Morrison, J.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, J.
O'Brien, W. S.
Ogle, S. C. H.
Paget, Col.
Paget, Lord A.
Palmerston, Vist.
Parker, J.
Pechell, Capt.
Pulsford, R.
Ricardo, J. L.
Ross, D. R.
Russell, Lord J.
Smith, J. A.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Vane, Lord H.
Vivian, J. H.
Wallace, R.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Wood, C.
Wood, G. W.
Worsley, Lord

TELLERS.

Hill, Lord M.
Tufnell, H.

The question as originally proposed,—

"That Sir William Gossett, knight, the Sergeant-at-Arms, attending this House, have leave to appear and defend the action brought against him by Thomas Burton Howard for trespass," (was then put.)

The House divided—Ayes 135; Noes 71:—Majority 64.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Antrobus, E.
Archdall, Capt. M.
Arkwright, G.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barrington, Visct.
Baskerville, T. B. M.
Bentinck, Lord G.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Bramston, T. W.
Broadwood, H.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burroughes, H. N.
Cardwell, E.
Cholmondley, hn. H.
Christie, W. D.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir C.
Clive, hon. R. H.
Colvile, C. R.
Corry, right hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
East, J. B.
Eastnor, Visct.
Egerton, Sir P.
Eliot, Lord
Escott, B.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Capt.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grimston, Visct.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Heathcoat, Sir W.
Henley, W. J.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Houldsworth, T.
Hughes, W. B.
Inglis, Sir R. H.
Irton, S.
Jermyn, Earl
Knight, F. W.
Law, hon. C. E.
Lawson, A.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lyall, G.
Mackenzie, W. F.
M'Geachy, F. A.
Mahon, Visct.
Manners, Lord J.
Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Murray, C. R. S.
Neville, R.
Newdigate, C. N.
Nicholl, right hon. J.
Northland, Visct.
O'Brien, A. S.
Packe, C. W.
Pakington, J. S.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Powell, Col.
Pringle, A.
Pusey, P.
Rolleston, Col.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Sibthorp, Col.
Smollett, A.
Sotherton, T. H. S.
Stanley, Lord
Sutton, hon. H. M.
Taylor, T. E.
Trevor, hon. G. R.
Waddington, H. S.
Wodehouse, E.
Wood, Col. T.
Wortley, hon. J. S.
Wynn, rt. hn. C. W. W.
Yorke, H. R.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the Noes.

Aglionby, H. A.
Aldam, W.
Armstrong, Sir A.
Barnard, E. G.
Blake, M. J.
Blake, Sir V.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Cavendish, hon. G. H.
Childers, J. W.
Colborne, hn. W. N. R.
Craig, W. G.
Crawford, W. S.
Dashwood, G. H.
Duncan, G.
Duncombe, T.
Easthope, Sir J.
Ebrington, Visct.
Elphinstone, H.
Evans, W.
Ewart, W.
Forster, M.
Fox, C. R.
Gill, T.
Grey, rt. hn. Sir G.
Grosvenor, Lord R.
Hallyburton, Lord J. F. G.
Hastie, A.
Hay, Sir A. L.
Hayter, W. G.
Hindley, C.
Hollond, R.
Horsman, E.
Howick, Visct.
Hume, J.
Hutt, W.
Labouchere, rt. hn. H.
Langston, J. H.
Marjoribanks, S.
Marshall, W.
Martin, J.
Morris, D.
Napier, Sir C.
Norreys, Lord
O'Brien, J.
O'Brien, W. S.
Ogle, S. C. H.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Pulsford, R.
Ricardo, J. L.
Ross, D. R.
Smith, J. A.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Wallace, R.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Wood, C.
Wood, G. W.
Worsley, Lord

TELLERS.

Hill, Lord M.
Tuffnell, H.

"It was also ordered, That William Bellamy, a messenger of the House, have leave to appear and defend the action brought against him by Thomas Burton Howard for trespass. That her Majesty's Attorney-general be directed to defend Sir William Gosset, against the said action; and that her Majesty's Attorney-general be directed to defend William Bellamy, against the said action."

Poor Law—Halifax Union.] Mr. *Ferrand* moved,

"For a list of the guardians of the Halifax Union who assembled at the board on Wednesday, the 1st day of this instant March; distinguishing the *ex officio* guardians from the elected guardians; also, a list of the guardians who were not present, distinguishing the *ex officio* guardians from the elected guardians; also, the name of the assistant Poor-law Commissioner who attended the board; also, a copy of their minutes and proceedings, as well as of the resolutions adopted by the board, so far as they relate to the administration of the New Poor-law within the said union; also, a copy of all notices given at any preceding meeting of the board, relating to any proceeding or resolution connected with the administration of the New Poor-law which was adopted by the board on the 1st day of this instant March."

He hoped that no objection would be made to this return. If it was objected to, it would be supposed by the public, that there was something behind the scenes which the right hon. Baronet, the Secretary for the Home Department, was desirous of concealing.

Sir *J. Graham* objected to the return as it at present stood. He hoped that the hon. Member would withdraw his motion.

Mr. *Ferrand* said, that he could not withdraw the motion. It appeared from the objection of the right hon. Baronet, that there was something behind the scenes which the Secretary for the Home Department wished to conceal from the public. He would divide the House on the subject.

Sir *R. Peel* wished the hon.. Gentleman not to go to a division under the impression that the Government had any thing to conceal. Anything that could fairly be brought under the cognizance of the House would be freely communicated. His right hon. Friend the Secretary for the Home Department had given an assurance that he was ready to produce all the information which he possessed relative to the establishment of that which had been called by so many names. It was not fair to assume, as the motion of the hon. Gentleman did, that upon a particular day a body of guardians had misconducted themselves. He would propose to substitute for the motion of the hon. Member—

"That there shall be laid before this House a copy of the minutes and proceedings of the board of guardians of the union of Halifax, held on the 1st of March, as far as relates to the administration of the New Poor-law within the union; also a copy of any resolution for the erection of a rag-mill made on that or any other day."

Colonel *Sibthorp* hoped the hon. Gentleman would be satisfied with the offer made by the Government, and not divide the House.

Mr. *Ferrand* would not be satisfied with less than the whole of the resolutions passed by the board on the 1st of March, together with the notices of the resolutions served by the clerk to the board.

Sir *J. Graham* could assure the hon. Gentleman that, in consequence of what had taken place in the House upon the subject of the rag-mill, he had expressed a strong opinion to the Poor-law Commissioners against its use. The commissioners had communicated that opinion to all the unions, and such mills would not be used again.

Mr. *T. Duncombe* hoped the Government would have no objection to produce the resolution, passed by the board on the same day, for the exclusion of the reporters for the public press.

Captain *Pechell* was very happy to hear what had fallen from the right hon. Secretary for the Home Department, and he trusted he would set his face against the grinding of bones for manure in workhouses.

Mr. *B. Denison* thought the notices ought to be produced; they formed a most important part of the proceedings of the board.

Mr. *Ferrand* said, the inhabitants of Halifax complained that the board held on the 1st of March, was one packed for the purpose of doing the work of the assistant-commissioner, and that notices had not been served on the whole body. He would be content to withdraw his motion, if the right hon. Baronet would add a copy of the notices given at any preceding meeting of the board of any resolution passed on the 1st of March; and he would have no objection to have the resolution for excluding reporters. If the notices were refused he would divide the House.

Sir *J. Graham* said, no notice had been given in respect of the resolutions which was complained of as a breach of the privileges of that House, but after the question had been decided on two occasions by the House, he deprecated its being again renewed. As to the other resolution, he thought it was highly inexpedient for the House to direct any board of guardians to admit or exclude reporters. It was better left to themselves.

The original motion withdrawn, and the motion for a return as proposed by Sir R. Peel put as a substantive resolution.

Mr. *Ferrand* moved to add to it—

"Also a copy of all notices given at any preceding meeting of the board, relating to any proceeding or resolution, connected with the administration of the New Poor-law, which was adopted by the board on the 1st of March."

The House divided on the question that the words proposed by Mr. Ferrand be added:—Ayes 11; Noes 53:—Majority 42.

List of the AYES.

Archdall, Capt. M.
Blackstone, W. S.
Colvile, C. R.
Crawford, W. S.
Duncombe, T.
Henley, J. W.
Hume, J.
Napier, Sir C.
Pechell, Capt.
Wallace, R.
Yorke, H. R.

TELLERS.

Ferrand, W. B.
Borthwick, P.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Aldam, W.
Antrobus, E.
Barrington, Visct.
Baskerville, T. B. M.
Blake, M. J.
Blake, Sir V.
Brotherton, J.
Cavendish, hon. G. H.
Childers, J. W.
Clerk, Sir G.
Cripps, W.
Darby, G.
Dickinson, F. H.
Douglas, Sir C. E.
Eliot, Lord
Filmer, Sir E.
Flower, Sir J.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Herbert, hon. S.
Hervey, Lord A.
Hindley, C.
Hodgson, R.
Hughes, W. B.
Hutt, W.
Jermyn, Earl
Labouchere, rt. hn. H.
Lincoln, Earl of
Mackenzie, W. F.
M'Geachy, F. A.
Martin, C. W.
Masterman, J.
Nicholl, rt. hon. J.
Northland, Visct.
Peel, rt. hn. Sir R.
Plumptre, J. P.
Pringle, A.
Pusey, P.
Rushbrooke, Col.
Sibthorp, Col.
Stanley, Lord
Sutton, hon. H. M.
Tufnell, H.
Wood, C.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

Sir R. Peel's motion agreed to.

House adjourned at half-past two o'clock.

HOUSE OF LORDS,

Thursday, March 16, 1843.

MINUTES.] BILLS. *Public.*—$2^{a.}$ Punishment of Death. *Private.*—$1^{a.}$ Lancaster and Preston Railway; Nottingham Lighting; Warwick and Leamington Railway; Littleton Inclosure.

PETITIONS PRESENTED. By the Marquess of Clanricarde, from Leeds, against Lord Ellenborough's Proclamation.—By the Bishop of Hereford, from Weston, against the Union of the Sees of St. Asaph and Bangor.—By Lord Dacre, from the Hitchin Anti-Slavery Society, against portions of the American Treaty; and from the same, against Importing Slaves into the West Indies from Africa.—By Lord Lyndhurst, from Solicitors, Attornies, and others, for removing the Courts of Law to the vicinity of the Inns of Court.—From Fenny Compton, for Church Extension.—From Valentia, for the Repeal of the Irish Poor-law.—From Steeple Bamsted, and Toppesfield, against any further Grant to Maynooth College.—From the Freemen of Berwick-upon-Tweed, against a Bill that will interfere with their Rights.—From Ottery St. Mary, for an Alteration of the English Poor-law.

REMOVAL OF THE LAW COURTS.] The *Lord Chancellor* presented a petition from the Law Institution, praying for the removal of the Courts of Law from Westminster to some more central situation, and praying the House to take the subject into its early consideration.

Lord *Brougham* said, that this subject occupied a great deal of attention in the profession, and no doubt there was a convenience in the plans suggested by the petition: but he must confess that he had a very strong prejudice in the continuance of the Courts of Law at Westminster, where they had been time out of mind. There was this reason, too, in favour of their present position—the very great convenience to both Houses of Parliament being in the immediate vicinity of Westminster-hall, professional men, and the judges.

Lord *Langdale* said, he was sorry to hear his noble and learned Friends express such decided opinions on the subject of the petition. He thought that the question would not be disposed of in so perfunctory a manner; and he hoped that their Lordships would not come to any resolution on the subject without careful inquiry and consideration. His own opinion was, that a removal of the Courts would be attended with many advantages, and that the expense, which would undoubtedly be great, was the only serious objection to the proposal.

Lord *Brougham* said, he had not the slightest objection to inquiry, for he could not have the slightest doubt as to the result.

The *Lord Chancellor* said, it was highly desirable that the younger Members of the Bar should attend Court as frequently as possible, to learn their business, to become familiar with the law, and with its administration. He had himself found the advantage of this course. When the Courts sat at Lincoln's Inn, as they did sometimes, the consequence was, that the Members of the Bar who were actually engaged in business attended in Court. The others were at chambers, ready to be called upon when summoned; but if a man went once to Westminster he generally remained throughout the day, and there he studied the law and the manner in which it was administered, and that was a great advantage, and, in his mind, the strongest argument against the removal of the Courts. He concurred, therefore, with his noble and learned Friend (Lord Brougham) in deprecating a removal of the Courts of Law from Westminster-hall.

Lord *Campbell* said, that he had always opposed the removal of the Courts from Westminster-hall, not merely from the prestige in favour of that locality, to which he must say he did not attach small importance, but because he thought, upon the whole, that the suitors would not derive any benefit from the proposed alteration. If men were constantly working all day in chambers, ready to go into Court when the cause in which they were engaged was called on, he thought that was a great evil. The profession was generally too much worked, and he was of opinion that the walk to and from Westminster was highly beneficial. They must remember the old adage—" All work and no play, makes Jack a dull boy." [The *Lord Chancellor:* " All work and no pay.] He thought, allowing a little relaxation from the more severe studies of the profession, and now and then a little criticism on the judges, or jokes circulated at their expense, or at the expense of their brethren at the Bar, was no very bad thing. He should, therefore, be very sorry to see any alteration which would make the profession more like a mill in which a horse had to turn round and round from year to year as long as he could continue to go in harness. He must also protest against Lincoln's-inn-fields being occupied in the manner proposed, for it was one of the lungs of the metropolis. It was highly ornamental and useful to the health of the dense population of that part of London, and he should consider it a great misfortune if these new Courts should occupy that beautiful area. He had not heard any other place mentioned. [Lord *Langdale:* Whitefriars.] His noble and learned Friend would go to Alsatia—and sweep away all the alleys and courts of that part of the town, and he should not object to see those places removed; but, as he said before, he must stand up for Westminster-hall, where he hoped the law would be continued to be administered for the benefit of many future generations.

Petition to lie on the Table.

House adjourned.

HOUSE OF COMMONS,

Thursday, March 16, 1843.

MINUTES.] BILLS. *Private.*—1°. Gorbals Police; Bermondsey, Rotherhithe, and Deptford Roads; Monkland and Kirkintilloch Railway; Inchbelly Road; Leicester and Peterborough Road; Sowerby, etc. Drainage; Drumpeller Railway; Paisley Municipal Affairs; Sunderland Floating Harbour.

3°. and passed:—Lancaster and Preston Junction Railway; Nottingham Lighting.

PETITIONS PRESENTED. By Mr. Cobden, and Mr. Wallace, from Saltcoats, Girvan, Sabden, and Cairnay, for the Total and Immediate Repeal of the Corn and Provision Laws.—From Exeter, and Birmingham, against a Portion of the American Treaty.—From Ruyton, Bolton, Colwyn, Creat Ouseburn, Kirk Hammerton, Marton-cum-Grafton, Stavely, Kirby Hill, Whixley, Green Hammerton, Ouseburn, and Arkendale, for Church Extension.—From Llanfihangel Pennant, Llandrinio, Weston, Oswestry, Penmorfa, Dolbenmaen, Llangollen, Colwyn, and Lincolnshire Law Society, against the Union of the Sees of St. Asaph and Bangor.—From Fitz French, against the Irish Poor-law.—From Thomas Vesey, in favour of the Medical Charities (Ireland) Bill.—From Witton, against the Ecclesiastical Courts' Bill.—From Paisley, for Parliamentary Reform.—From Clerkenwell, and Southwark, in favour of the Health of Towns Bill.—From Barwick-in-Elmet, against the Dissolution of the Gilbert Unions.—From Camberwell, for Limiting the Hours of Labour in Factories.—From Salford, against Turnpike Roads Bill.

HOUSE OF LORDS,

Friday, March 17, 1843.

MINUTES. BILLS. *Public.*—2ª. Coroners Inquests.

3ª. and passed:—Attornies and Solicitors.

Private.—2ª. Cambrian Iron and Spelter Company.

PETITIONS PRESENTED. By the Archbishop of Canterbury, and the Bishop of Bangor, from Bridgewater and the Isle of Man, against the Union of the Sees of St. Asaph and Bangor.—By Earl Stanhope, from New Lanark, against Import Duties on Corn, Tea, and Sugar.—By the Same, from St. Leonard's (Shoreditch), against the Income Tax.—Also from G. R. W. Baxter, for Inquiry into the Working of the Poor-Laws.—Also from Isaac Ironsides, (Sheffield), against Machinery, and for Relief.—From Harmoney Hall, near Stockbridge, for an Inquiry into Socialism.—From Nottingham, for Abolition of Imprisonment for Debt.

PUBLIC DISTRESS — MACHINERY.] Earl *Stanhope* presented a petition from the calico and stuff block printers of Lancashire, Cheshire, and Derbyshire, complaining of distress, and attributing their sufferings to the unrestricted use of machinery. He begged especially to direct the attention of their Lordships to that petition.

Lord *Brougham* deeply deplored, as must every one, the sufferings of the petitioners, but he was surprised that his noble Friend, with his accomplished understanding, should suppose that these sufferings were occasioned by the use of machinery. It was entirely a delusion to suppose that that was the cause. The noble Earl had better bring the question distinctly forward, instead of dealing in insinuations which only fostered the delusion, when he would assuredly be satisfied of his error.

Earl *Stanhope* said, he knew if he did so he should be prostrated, not by arguments, but by numbers. It was very well for those, again, who supported the New Poor-law to challenge so boldly its opponents to bring forward a motion for its repeal, and be defeated; but so long as grievances so heavy continued, discontent, if not disturbance, would remain. It might be, that those poor people who were out of employ entertained some erroneous opinion; but of this, they could hardly be ignorant—that they were suffering from penury and destitution. The appalling fact that 1-10th of the population were in a state of pauperism, there was no answering; and although the noble and learned Lord (whom it was equally agreeable to hear, whether in mood pathetic or pleasant) might easily deal with the subject in a semi-facetious manner, and talk of "delusion," the distress was not less dreadful, and the mode of tracing it to a cause so palpable as the diminution of the means of employment far too obvious. The noble and learned Lord should bear in mind, that it was not such instruments as saws, or any tools worked by manual labour, of which the complaint was made, but machinery worked by steam.

Lord *Ashburton* said, inquiries like that suggested by the noble Earl had repeatedly taken place—[Earl *Stanhope.*—"I am aware of the handloom weavers."]—and it was to be hoped that the result had been to dissipate the delusion that the ultimate effect of machinery was other than beneficial to a country. Assuredly, if machinery were to be put a stop to—[Earl *Stanhope*; I did not propose that.] or not allowed to be developed to the utmost possible extent, the only consequence would be infinite injury to the nation. Still, it was not less true that the immediate effect of machinery was to displace labour, and, by depriving multitudes of the means of employment, to increase the distress of the poorer classes. Not that this could be to any considerable extent the cause of existing distress, seeing that machinery had been gradually extending its influence and operation during half a century, though more especially so in the last twenty or thirty years. It was not to be doubted, that when the cotton trade—for instance the spinning-wheel which used to be plying at every cottage door was removed, and the whole of our cotton manufactured by some half-dozen large houses—it was not to be doubted that the great diminution of manual labour must follow. This could not of course, be altered (as it was impossible to recur to the former state of things), but must be left, as would ultimately be the case, to correct itself. Meanwhile there could be no question that, the operation of machinery being thus to concentrate manufactures into large monopolies, the condition of the people, so materially affected thereby, was well worthy of the deepest consideration more particularly so as the result was to substitute, even in the manual labour retained, that of women and children instead of adults.

Lord *Brougham* was perfectly aware that the immediate effect of machinery was to diminish employment; but its ultimate result (of which alone he spoke) was ever to increase it as had been strikingly exemplified in the cotton manufacture, and even as to its immediate effect, it was rather to transfer than to destroy the means of employment, seeing that the economy of capital it produced encouraged the investment of money in other undertakings: and, unless it could be shown (which was impossible) that capital could in any way be employed without, directly or indirectly, employing labour, this must be beneficial to the working classes, independently of other and weightier considerations.

CHINA TRADE.] The Marquess of *Lansdowne*, in moving for the production of the correspondence between her Majesty's Plenipotentiary and the British merchants at Canton, desired to preface the motion by a few observations directing the attention of her Majesty's Government and of Parliament to a very important subject, the position and prospects of our commercial relations with China. No man invested with any ordinary ability for insight into the future would fail to discern that we were on the eve of a more momentous movement in respect to our connections with the east than had ever yet occurred in the history of this country. The effect of the close of that warfare with China—which had been commenced by the resistance her Majesty's Government had felt it their duty to offer to unjust and unreasonable demands—had been to open the means of infinitely extending the intercourse between the civilization of the west and the immense population of that part of Asia, the most densely populated country in the world; and it could not be doubted that the progress of this intercourse would only be beneficial in proportion as the impression produced by our military and naval prowess was kept up deepened, and perpetuated, by the good faith and discretion with which our commercial relations with China were conducted. It required not much penetration to foresee that unless—by means which Parliamentary interposition could alone effectually furnish—those relations were conducted in a judicious manner, the most baneful and dangerous results must speedily follow. Hongkong, it appeared, was to be made a free port in every sense of the word. He hoped so, for he thought that this was a peculiarly eligible occasion for convincing the world that we desired not to base our interests on monopoly. But this port—the emporium of our Chinese commerce—being thus free for the resort of all whom any motives of gain might lead there, would speedily become crowded by a most miscellaneous population, which, in the absence of efficient control, would be dangerous to the tranquility of our connexions with China. Their Lordships might have been amused already with some indications of the rapid advance of this new settlement—among which was the announcement of a theatre with "actresses whose virtues surpassed even their accomplishments." But it would hardly be expected that, amidst an indiscriminate resort from every country the virtues of all should thus be in advance of their abilities. Even at the moment he was speaking there was that at work in China which must cause misrepresentations between the population of China and ourselves. There would be daily quarrels arising, which would be enough to produce the most mischievous consequences. In some of the papers to which he had alluded it appeared, that after the late attack on the factory at Canton by the mob, associations were formed for the avowed purpose of expelling the barbarians—meaning the English, thus showing the spirit of hatred which was abroad against us and proving the necessity of the utmost caution. He wished to impress upon her Majesty's Government the necessity of legislating even during the present Session, for the purpose of creating such an authority in that country as was absolutely necessary; in his opinion even an imperfect act would be better than none at all. In 1838 the then Government proposed a bill for the purpose of establishing a court at Canton but it was strenuously opposed by a right hon. Baronet now high in her Majesty's Council, upon the ground that the Chinese government had given no authority for it, and would not recognize it. That ground was now removed, for the expediency of such a tribunal had been recognized by the emperor, at all events by the Chinese authorities. If such an authority as he had pointed out were not established, a year would not pass without a recurrence of such scenes as had unfortunately been witnessed at Canton of late. The noble Marquess concluded by moving for the papers mentioned.

The Earl of *Aberdeen* was not aware of any objection to the production of the papers asked for by the noble Marquess the more especially as they had already been made public. He entirely concurred in all that had fallen from the noble Marquess as to the necessity of establishing a sufficient controlling authority in China, in order to protect our intercourse with that country, for unless it were conducted with the utmost prudence and discretion on the part of those trading to the Chinese ports, we might soon be embroiled again with the Chinese Government. But it must be remembered that the treaty had not yet been ratified. He could assure the noble Marquess and the House, that as soon as the ratification of the treaty was received no time would be lost in preparing to carry into effect all measures that would be necessary to give security and permanency to our relations with China; but at present it would be premature. The island of Hong-kong, when fully ceded to her Majesty, would be in the situation of a Crown colony, and her Majesty, by the advice of her Council, might establish courts there without the intervention of Parliament, but she could not do so in any of the five ports to which we were to have access. It was essential that any one filling the high station of her Majesty's representative in China should possess the confidence of Government and, he was happy to say, that no one could better deserve it than the distinguished and gallant officer now in that country. They could not proceed to legislate without further information, and, as they could not communicate with him under five or six months, he did not propose to bring in any measure in the present Session.

The motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Friday, March 17, 1843.

Minutes. Bills. *Public.*—1°· Attornies and Solicitors; Indemnity.

2°· Consolidated Fund; Coast of Africa.

Reported.—Sudbury Disfranchisement.

Private.—1°· Merthyr Tydvill Stipendiary Magistrate; North Esk Reservoir; Glasgow Police; Glasgow Marine Insurance; Norland Estate Improvement; Charlwood Enclosure; Liskeard and Caradon Railway; Earl of Leicester's Estate; Caswell's Disability Removal.

2°· Thames Lastage and Ballastage; Scarborough Harbour; Preston Waterworks.

Petitions Presented. By the Earl of March, from Chichester, against the Union of the Sees of St. Asaph and Bangor, and for a Bishopric at Manchester.—By Mr. Dickenson, from Chard and Ellesmere Unions, for the Repeal of the Births, etc. Registation Act.—By Mr. Christopher, from Crewkerne, Pickering, Kirbymoorside, Cardigan, Louth, Lincoln, and Stamford, against the Ecclesiastical Courts' Bill.—By Mr. Thornely, from Manchester, James Sykes, and Almondbury, for the immediate and total Repeal of the Corn and Provision Laws.—From Chichester, in favour of Establshing a Bishopric of Manchester.—From Newcastle-upon-Tyne, against portions of the American Treaty.—From Limerick, for Amending the Municipal Corporations (Ireland) Act.—From Bunbury, against any further Grant to Maynooth College, or for Education (Ireland).—From Forfar, for the Commission relative to Incorporated Trades (Scotland)—From the Royal College of Surgeons (Ireland), in favour of the Medical Charities Bill.—From Henry Barrett, on the subject of Sluicing Waters.

Counting out the House—Complete Suffrage.] On the bringing up of the report of resolutions agreed to in committee for the payment of salaries under the Registration of Voters Bill,

Mr. *S. Crawford* said he would take that opportunity of stating the course he intended to pursue with respect to his motion, which stood as a "dropped motion, by the early, and to him unexpected, motion of yesterday for "counting out" the House. He must say, with respect to that motion, that he had never witnessed, on the part of any Government, such an attempt to defeat the order of the proceedings as they had been set down on the book of notices. In the first place, there was an attempt to prevent the "making of a House," and it was with very great difficulty that a sufficient number of

Members were got together to make one. No sooner was it made, however, than an effort was made to prevent any business from being done, and he had no doubt that the great object was to get rid of his motion (to secure the full representation of the people, and to shorten the duration of Parliament), which stood first on the Orders of the Day. No sooner was the House made than several Members on the Treasury side slunk away. The right hon. Baronet at the head of the Government made his appearance at about half-past four o'clock, and he thought that that was the signal for rallying against his motion, and that the discussion would be allowed to proceed; but he was mistaken. A motion was made that the House be "counted." He did not hear it put, and the first intimation that he got of it was by hearing the Speaker "ordering strangers to withdraw." Who made the motion he did not exactly know; but, as well as he could judge from the position in which he stood, he should say that it came from the Premier himself. If that were so, he must say that it was an uncalled-for exercise of that right hon. Gentleman's influence, for that right hon. Baronet knew that he could, at any time, command a majority against his motion. Whatever might have been the fate of his motion had it gone to a division, he did not think that the earnest petitions of the people ought to have been treated with such utter disregard by the right hon. Baronet and those who supported him. As far as depended on him, he would still endeavour to obtain a hearing for the voice of the people, and a discussion of their petitions. He felt a difficulty as to naming any day, for after waiting for five or six more, and getting his notice at the head of the order book, it might be got rid of by such a motion as that of yesterday. He would not, therefore, trust to that chance; but would bring forward his motion as an amendment to the first motion for going into committee of Supply. He would fix it for Friday next, if that should be a Supply day—for he would not again submit to the chance of having it "burked." He repeated, that he would move it as an amendment to the motion for going into committee of Supply, unless he got some assurance from Ministers that they would assist in making an opening for him.

Sir *R. Peel* was surprised at the statement of the hon. Member with respect to his motion. He had, as he generally endeavoured to do, come down to the House at half-past four o'clock, which he certainly would not have done had he imagined that there would not have been a House. As to the motion for counting out the House, he could assure the hon. Member that he had taken no part in it. Indeed, when he heard the hon. Member mention his presence at half-past four, he thought the hon. Member was going to pay him a compliment on his punctuality. He was therefore rather surprised to hear the hon. Member charge him with having been the party who moved that the House be "counted." That part of the hon. Member's statement, he must say, was wholly without foundation. As to the day which the hon. Member fixed, he hoped he would not press his motion on Friday next, as on that day his right hon. Friend intended to submit his motion for the promotion of education.

Mr. *S. Crawford* had no wish to do anything which would interfere with the Government business. He would therefore, if there were no objection, name Monday next.

Sir *R. Peel* said, let it be Monday week, and he would do everything in his power to enable the hon. Member to bring it forward. He could assure the hon. Member he had no wish whatever to prevent the full discussion of his motion.

Mr. *S. Crawford* said, that after the explanation of the right hon. Baronet no blame could attach to him personally for the motion by which he (Mr. Crawford's) motion had been got rid of yesterday. The hon. Member then fixed his motion for Monday week, but subsequently named Thursday, the 30th inst., as the day for its discussion.

Subject at an end.

FACTORIES EDUCATION BILL.] Mr. *Acland* wished to know from his right hon. Friend the Home Secretary whether he would bring on the Factory Bill and the Education question together?

Sir *J. Graham* intended to bring on the question of Education on Friday. He did not anticipate any objection to the principle of the bill from any quarter.

Mr. *Hawes* did not think that sufficient time had been given for the consideration of the clauses which the right hon. Baronet had introduced. He hoped that a separate discussion might be allowed on the two leading features of the measure.

Sir *J. Graham* said, that in his opinion, a sufficient time had been given for considering the principle of the bill and of the clauses which had been introduced.

Mr. *Hume* said, that the principle of compulsory education was wrong. There might be, and no doubt there were, many who would approve of one part of the bill and not of the other. He would suggest to the right hon. Baronet to divide the bill into two parts, the one relating to the factory question, and the other to that of education. This would simplify the matter and render the whole more easy to understand.

Mr. *M. Philips* said, he had received several communications from proprietors of factories on this subject. They did not object to that part of the measure which was to regulate factories and the employment of children in them, but many of them had conscientious scruples as to some other parts of the bill. He therefore joined in the suggestion of his hon. Friend (Mr. Hume) that the measure should be divided into two, which would greatly facilitate its working.

Report on the salaries under the Registration bill was received.

THE GOVERNOR OF ST. KITT'S.]—Sir *C. Napier* asked whether the noble Lord the Secretary for the Colonies had yet received the official accounts of the circumstances to which he had called his attention on a former evening, as to the conduct of the Governor of St. Kitt's?

Lord *Stanley* said, he had received an account sent by certain parties, but he could not lay it on the Table as an official document until the Governor had had an opportunity of sending in his explanation of the circumstances. He had received a communication from the father of the Governor, in which his desire to be landed at St. Kitt's was said to have arisen from the fact of a woman on board being in a dying state and his great anxiety to have her put ashore. He could not, however, take this statement by itself, and therefore thought it better to wait until the Governors own account should be sent home.

REGISTRATION OF VOTERS.] On the motion of Sir J. Graham, the Registration of Voters Bill was recommitted. On clause 57, which provides for the remuneration of revising barristers,

Viscount *Howick* said, he must again urge his objections to this part of the measure. The present registration courts were in the last degree unsatisfactory, but would this bill improve the system? Was it possible that gentlemen who had to sacrifice three or four weeks of their long vocation for 200 guineas, who might be employed one year, and not the next, could make competent judges? The system was expensive and inexpedient. The present mode of patronage was most objectionable. The judges who exercised it gave very little consideration to the mode in which these small appointments were made. In his opinion, the only reasonable mode of constituting these courts would be, the appointment of eight or ten permanent judges, who, by means of dividing England and Wales into three or four circuits, might easily pass through every district in the course of the year, and who, when not on circuit, might constitute a court of appeal in London. He thought the plan of appeal proposed in the bill not much better than the present. The court would not be an efficient court.

Sir *J. Graham* could only say, that the number of revising-barristers was reduced in the bill nearly one-half. The number at present was 160, at an expense of 32,000*l.*; it was proposed to have only eighty-five, at an expense of 17,000*l.* With regard to the inefficiency of the appellate tribunal, it must be remembered, that under the Reform Act, no appeal whatever was given. This bill constituted a court of appeal for the first time. With respect to the plan of circuits, it was impossible that eight or ten revising-barristers could perform the duty, unless they were going circuit all the year, which would be keeping up a constant political agitation in one part of the country or the other. He did not think it conducive to the public good that this turmoil of registration, which was of an electioneering character, should be kept up all the year round throughout England and Wales. Before any further change was attempted he hoped for a fair trial of this measure.

Clause agreed to.

On clause fifty-eight, constituting three barristers a court of appeal,

Mr. *Bernal* said, he doubted whether it were possible to find persons to fill these situations whose judgments would command respect. He objected to the appointment of practising barristers, who might have the very cases submitted to them (as used to be done to the Welch judges) on which they would afterwards be called upon to decide in their courts.

Sir *J. Graham* admitted the force of the objection, but when those tribunals should have sat one or two years, it would not be necessary thenceforward that the court should sit for more than two or three days in the year, and under such circumstances a fixed salary would be highly inexpedient.

Mr. *Hume* considered, that if the tribunal sat for so short a space as that, it would be better to send appeals before the judges, as in the case of assessed taxes.

Sir *J. Graham* was rather inclined to that course, and, if that was the feeling of the House, he would consent to postpone the clause as well as the others which related to it.

Lord *Howick* observed, that the judges would have the power incidentally as the point then stood, for they had the nomination of the tribunals. It would be much better to throw the responsibility upon them directly, and he was glad the right hon. Baronet concurred in the suggestion.

Mr. *Escott* was of opinion that the proposed tribunal, which was an excrescence on the Reform Bill, would have little or nothing to do.

Clauses to 75 postponed.

On clause 76, giving the right of voting to successive occupants, and in cases of joint occupation being read,

Viscount *Howick* objected to the latter provision, as tending to produce an unfair multiplication of voters, an abuse which he understood had been carried very far by all parties. It led also, by freeing sons from the control of their fathers, to family disputes. It destroyed the relation between father and child; and further, it induced the owners and occupiers of land to pursue a system which would be ultimately injurious to themselves, as it would have the effect of cutting up property into small holdings. He would therefore propose as an amendment, that "not more than one should be entitled to register and vote."

Colonel *Sibthorp* would remind the House that he was the originator of what was called the Chandos clause, and he therefore must oppose the amendment.

Lord *Ebrington* supported the amendment. He knew well that in Devonshire the joint tenancy clause of the Reform Act had contributed much to prevent the introduction of a good system of farming.

Sir *J. Graham* remarked, that the amendment proposed by the noble Lord the Member for Sunderland would effect, if carried, an important alteration in the Reform Act, and therefore it was desirable to know whether the noble Lord was prepared to alter the 29th section of that act, which gave the right of voting to joint occupiers in cities and towns as now given to the joint occupiers of land.

Viscount *Howick*: Though he should not press his amendment to a division, begged to say that he had discussed his proposition without any reference to parties. He objected to giving all parties such a temptation as this clause would afford to increase their political power at the expense of the permanent moral interests of themselves and their tenantry. In answer to the question put to him, whether he were prepared to extend the same principle to cities and towns, he had to state he intended in a future clause to propose an amendment, which would apply the same principle to cities and towns in cases where actual ownership did not exist.

Mr. *Darby* said, that all the complaints against the working of the Reform Act came from hon. Members on the other side of the House.

Sir *G. Grey*: Notwithstanding the taunts of the ministerial side, begged to ask, if those who supported the Reform Act were to be in consequence precluded from proposing alterations that would remedy the defects of that measure? He thought his noble Friend (Viscount Howick) had done quite right to point out the evils, though he admitted the point at present raised was of too much importance to be discussed while considering a clause in the Registration Bill.

Amendment negatived.

Clause agreed to.

On clause 82, declaring the register to be conclusive evidence of the voter's retaining the same qualification, provided that he continued to reside within the borough,

Mr. *Christie* moved the omission of the proviso. He thought it would lead to improper objections being taken to voters.

Sir *J. Graham* opposed the motion.

He considered residence an essential principle. It was possible for a voter to cease to hold any property or interest in a borough, and to establish himself elsewhere, and if he were still to be entitled to his vote as if resident in the borough, in ninety-nine cases out of 100 this would lead to bringing down venal voters to an election at an enormous expense, and to the introduction of a most corrupt practice.

Sir *G. Grey* entirely concurred in what the right hon. Baronet said; but he thought this proviso, taken with the third question to be put to voters at the hustings, which was in the 84th clause,

> "Have you resided since the 31st day of July last, and do you now continue to reside, in the city or borough of——,"

would, in many cases, be a trap to voters. It would take the legal acumen of his hon. and learned Friend opposite, (Sir F. Pollock) to define what was residence, and men not skilled in legal definitions would be apt to say, "No, I resided a part of the time in town, or elsewhere."

Sir *J. Graham* freely acknowledged that the definition of "residence" would be extremely difficult, and he should wish, when they came to consider the third question in the 84th clause, to ask for some further time to consider it.

The *Attorney-general* apprehended that a person "resided," in point of law, if he had a residence which he occupied by himself, or by any member of his family, or by his servants; and though it might be inconvenient to a tender-conscienced person to declare that he had been resident when he knew he had been absent, yet he might declare, that during the whole of the time he was so absent his family or servants had occupied his house.

Viscount *Howick* thought this definition of "residence" would open a door to fraud, and persons might continue voters though non-resident and having no interest in the borough by occupying a sufficient tenement by some servant or person in their employment.

Amendment withdrawn.

Clause agreed to.

On clause 91,

Mr. *Christie,* pursuant to notice, moved

> "The omission of so much as gives a committee the power of inquiring into decisions of the revising barristers and of the court of appeal."

He observed that in many cases parties would take the chance of appealing directly to the committee, and thus the court of appeal, which had been intended as a check upon the revising barristers, would be rendered nugatory.

Sir *J. Graham* thought, as several alterations had been made, this clause ought to be postponed for further consideration. The decision of the Court at Westminster ought, in his opinion, to be final.

Clause postponed.

Mr. *Cowper* proposed the insertion of the following clause:—

> "And whereas, by the said first recited act, it is enacted, that the poll at contested elections for counties may remain open during the space of two days; and whereas it is expedient to repeal that part of the said act which allows the poll so to continue open during the space of two days; be it therefore enacted, that such part of the said act as allows the poll to continue open during two days shall be, and the same is hereby, repealed."

The hon. Member announced that, should his motion be carried, he intended to propose a second clause, as follows:—

> "And be it enacted, that at every contested election of a knight or knights to serve in Parliament for any county, or for any riding, parts, or division of a county, the polling shall commence at eight of the clock in the forenoon of the next day but two after the day fixed for the election, and the polling shall continue during such one day only, and no poll shall be kept open later than four o'clock in the afternoon—provided always, that when such next day but two after the day fixed for the election shall be Sunday, Good Friday, or Christmas-day, then in the case it be Sunday the poll shall be on the Monday next following, and in case it be Good Friday then on the Saturday next following, and in case it be Christmas-day then on the next following day if the same shall not be Sunday, and if it be Sunday on the next following Monday."

Clause read a first time.

On the question that it be read a second time,

Sir *J. Graham* said his own opinion was against the adoption of the clause. The effect would be to limit the franchise. By allowing the poll to be open two days, farmers who had to attend at the markets on market-days would have additional opportunities of registering their votes; were the poll only open one day, and that day happened to be market-day, they could not be expected to forego the market for the sake of going to the poll. If he were still a county Representative he would oppose the clause.

Mr. *Hume* said, that where the polling was continued two days, the venal voters held out till the second day, in order to get more for their votes. It led to a great deal of tampering and bribery. He should therefore support the amendment.

Lord *F. Egerton* doubted whether any practical evils had resulted from the present mode which required the remedy now proposed.

Mr. *Elphinstone* thought the second day was perfectly unnecessary. As an instance of it, he would refer to the last election for Leicestershire, when nearly 3,000 voters polled on the first day, but on the second only about 250.

Mr. *Darby* thought that one day would not be sufficient. He would ask the hon. Member for Montrose whether he would have approved of only one day's polling when he was a candidate for Stirling, and was in the minority on the first day, but stood at the head of the poll on the second. Did the voters on that occasion hold out for a larger sum? Again, he would ask the hon. and learned Member for Lewes whether he thought that the polling being confined to one day had prevented bribery in the borough he represented?

Lord *Worsley* said that, at the last election, very extensive treating was carried on. He knew that, at the election for North Lincolnshire, persons went on the first day, tendered their votes for him, and actually polled; they went back, and said they would vote on the next day for his hon. Colleague. On the morning of the second day, they accordingly went, and got their breakfast, and then proceeded to the poll, but were much disappointed at finding that they could not split their votes, because they had polled on the first day. He, therefore, thought that the clause now proposed would be a great improvement.

Mr. *B. Denison* thought that no practical inconvenience would result from taking the poll at county elections in one day. At the last election for the West Riding of Yorkshire, where the constituency was most extensive, three-fourths of the voters polled on the first day, and the majority obtained on the first day could not have been overcome by the number polled on the second day.

Mr. *Blackstone* protested against the imputation which had been thrown upon the county constituencies by the noble Lord the Member for North Lincolnshire (Lord Worsley)—that they could be influenced in their exercise of the franchise by treating. He believed that no class of voters in the country were less influenced by bribery, or less open to corruption of any kind, than the farmers. He considered that, in the discussion of this question, one material point had been overlooked—the convenience of voters who lived at a distance from counties for which they were registered. Suppose that a person was on the register for the counties of Cornwall and Yorkshire, if the elections for those counties occurred, as was probable, nearly at the same time, he might, if the poll was limited to one day, be prevented from recording his vote for one county or the other. At the last general election there was so strong a feeling in the agricultural districts against the late Administration, that the farmers came almost as one man to the poll. There might, however, be a different feeling at another election, and it might perhaps be advisable to have two days' polling.

Colonel *Sibthorp* said, they were told that the utmost freedom ought to be afforded for the exercise of the franchise, and he conceived that the House ought not to limit that freedom; and on this ground he would vote against the proposition of the hon. Member for Hertford.

Mr. *James* thought it was unnecessary to continue the poll at county elections beyond one day. At the last election for the county which he represented (Cumberland) the election was virtually decided on the first day. Some fifty or sixty persons withheld their votes until the second day, and if it was asked why an individual had not given his vote, the reply was, "Oh, the Tories only offered him 10*l*., and he is laying by for 50*l*. or 100*l*." Those hon. Members who wished to prevent bribery at county elections would vote for the clause proposed by the hon. Member for Hertford, and those who desired its continuance—there were none on the Liberal side who entertained such a wish—would vote against it. He called upon all hon. Gentlemen who were anxious for the suppression of bribery, to evince their sincerity by voting for the proposition of the hon. Member for Hertford.

Mr. *Henley* would give his decided opposition to the motion. It frequently happened, at county elections, that an opposition did not spring up until the day of nomination; and under such circumstances, if only one day was allowed for polling, great inconvenience would result. He remembered the occurrence of two cases of this nature in the county which he had the honour of representing.

Lord *R. Grosvenor* regretted to observe one feature in this discussion—that all the hon. Gentlemen who supported this proposition were on that (the Opposition) side of the House, while all who opposed it were on the other side of the House. He thought that the present system of allowing two days for the poll at county elections was productive of great practical inconvenience. At one election at which he was present, a great number of the voters polled on the first day, but many of them reserved their votes; the contest was a close one, and it gave rise to a great deal of bribery, treating, and intimidation, which would have been entirely avoided if the election had concluded on the first day. At another election a strong feeling of excitement prevailed in the county, and after the first day's poll the exasperation was so great that a serious riot took place, and one person lost his life. He had mentioned the subject to many farmers, and they declared that it would be a great boon to them if the polling was confined to one day, so that they might get quietly back to their work. The hon. Member for Wallingford (Mr. Blackstone) had complained that if the proposition before the House were adopted, persons who possessed votes for several counties might be prevented from exercising the franchise for all of them; but he thought that the rapid means of conveyance afforded by railways would prevent much inconvenience in this respect.

Sir *P. Egerton* said that the hon. Member for Cumberland (Mr. James) had expressed his astonishment that this proposition was opposed by hon. Gentlemen on that (the Ministerial) side of the House, while it was supported almost entirely by hon. Members opposite; but he must remind the hon. Gentleman that the great majority of the representatives of counties, who might be supposed to express the feeling of their constituencies, were on the Ministerial side of the House. He must be allowed, as a county Member, to express his conviction that, by the limitation of the polling to one day, they would exclude from the exercise of the franchise a great number of persons who had the right to vote. He considered, also, that the adoption of this proposition would materially increase the expense of elections.

Viscount *Howick* regretted that the discussion on this subject had assumed a party character. This was a matter of great public importance, and he thought that the testimony of the hon. Member for the West Riding of Yorkshire (Mr. B. Denison) was so strong in favour of the proposition, that it ought to decide hon. Gentlemen as to the course they would adopt. There was no county in England in which there was so large a number of voters, and where the difficulty of polling them all in one day was so great, as in the West Riding of Yorkshire; but the hon. Member had shown that the poll might, without inconvenience, be concluded in one day. He thought the proposition of the hon. Member for Hertford would have a most salutary effect in diminishing the duration of the excitement which prevailed during an election; and which, for a time, completely interrupted the progress of trade and industry. The adoption of this clause would also, he conceived, tend to reduce very considerably the expense of elections, and diminish the exercise of undue influence upon the voters; he would not say bribery, for he believed that whatever undue influence was brought to bear upon the minds of county voters was not exercised in the shape of bribery; but when an election was closely contested, a great temptation did exist to resort to intimidation, or other improper influence.

Lord *Ingestre* opposed the clause. He did not think that the constituencies of large counties could be polled in one day, and he begged to remind the House that elections frequently took place at a season of the year when important farming operations were in progress, and when it might be of great importance to the farmer that he should not be called from his work on a particular day.

The Committee divided:—Ayes 66; Noes 143:—Majority 77.

List of the AYES.

Aldam, W.
Baring, right hon. F.T.
Barnard, E. G.
Berkeley, hon. C.
Blake, M. J.
Blakemore, R.
Bowring, Dr.
Brotherton, J.
Cavendish, hon. G. H.
Christie, W. D.

Clay, Sir W.
Colborne, hn. W.N.R.
Colebrooke, Sir T. E.
Dickinson, F. H.
Divett, E.
Duke, Sir J.
Duncan, G.
Ebrington, Visct.
Ellis, W.
Evans, W.
Fielden, J.
Fitzroy, Lord C.
Forster, M.
Fox, C. R.
Gibson, T. M.
Gill, T.
Grey, rt. hn. Sir G.
Grosvenor, Lord R.
Hardy, J.
Hatton, Capt. V.
Hay, Sir A. L.
Heathcoat, J.
Howard, hon. C.W.G.
Howick, Visct.
Hume, J.
James, W.
Listowel, Earl of
Mainwaring, T.
Marshall, W.
Martin, J.
Mitchell, T. A.
Morris, D.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, J.
O'Brien, W. S.
Ogle, S. C. H.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Scott, R.
Stansfield, W. R. C.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thorneley, T.
Tufnell, H.
Turner, E.
Wakley, T.
Walker, R.
Ward, H. G.
Williams, W.
Winnington, Sir T. E.
Worsley, Lord
Wrightson, W. B.
Yorke, H. R.

TELLERS.
Elphinstone, H.
Cowper, hon. W. F.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Astell, W.
Attwood, M.
Bankes, G.
Baring, hon. W. B.
Baskerville, T. B. M.
Beckett, W.
Beresford, Major
Bernard, Visct.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buckley, E.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Collett, W. R.
Colvile, C. R.
Compton, H. C.
Coote, Sir C. H.
Copeland, Ald.
Corry, right hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dick, Q.
Douglas, Sir C. E.
Egerton, W. T.
Egerton, Lord F.
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Halford, H.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
H age, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Hughes, W. B.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
Jermyn, Earl
Johnstone, Sir J.
Johnstone, H.
Kemble, H.
Knight, F. W.
Law, hon. C. E.
Lawson, A.
Lincoln, Earl of
Lockhart, W.
Lygon, hon. Gen.
Mackenzie, W. F.
Maclean, D.
McGeachy, F. A.
Manners, Lord J.
Marton, G.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Mildmay, H. St. J.
Miles, P. W. S.
Morgan, O.
Neeld, J.
Neville, R.
Nicholl, right hon. J.
Northland, Visct.
O'Brien, A. S.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Repton, G. W. J.
Rolleston, Col.
Rose, rt. hon. Sir G.
Round, J.
Rushbrooke, Col.
Russell, J. D. W.
Shaw, rt. hn. F.
Sheppard, T.
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Spry, Sir S. T.
Stanley, Lord
Sutton, hon. H. M.
Thompson, Mr. Ald.
Trench, Sir F. W.
Trevor, hon. G. Rice
Trollope, Sir J.
Trotter, J.
Turnor, C.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J. B.
Wilbraham, hon. R.B.
Wodehouse, E.
Wood, Col. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Pringle, A.

Clause rejected.

Mr. *Hardy* proposed the following clause:—

"And be it enacted, that, in estimating the yearly value of any land or building, or both, in right of which any occupier thereof, as tenant, shall claim to vote, it shall be lawful for the revising barrister, and he is hereby required, to take into his consideration not only the rent paid or agreed for by such tenant, but the amount at which any such tenement, or tenements, shall be rated to the poor in any city, borough, or place, with reference to, and compared with, other similar tenements there situated, as to the proportion between the clear yearly value and the rateable value thereof."

The hon. and learned Gentleman stated, as the object of the clause, the fact that in many cases poor tenants were colourably made 10*l.* renters (by a reservation of 4*s.* a week from wages, &c.) for cottages not worth, and not rated to the poor, or taxes for more than 5*l.* a year.

Sir *J. Graham* said, he thought the real remedy would be putting in force the

Poor-law valuation; and an excellent hint had been given to his right hon. Friend the Chancellor of the Exchequer, who would probably see the necessity of imposing the Income-tax in these cases on the amount represented as the rental for the purposes of the franchise. This might be a check to what, certainly, was a great abuse. But his hon. Friend's clauses, after all, were merely declaratory; for surely any revising barrister who attended to his duty would look to the real amount at which tenements were rated as a test of value.

Mr. *Hardy* declared this was by no means generally the practice; and doubted if his clause was not required to afford a remedy for this monstrous abuse. However, he would not press it against the right hon. Baronet's opinion.

The *Attorney General* objected to the clause, on the ground of the bad policy of legislating to order a judge to do that which it was his duty to do without any legislation.

Clause withdrawn.

Sir *J. Graham* then brought up a clause making the personation of voters a misdemeanour.

An hon. *Member* said, that the clause would not meet a case which had come to his knowledge, as having occurred at a county election, and he believed it was not an unusual thing that fictitious names were placed on the register, and then any person that could be got was brought up to answer to them. The case that he meant was that of the rev. Mr. Jones, of Jesus College, Cambridge, who was entered on the register. No such person was known in the county, but when the polling day arrived, a respectable looking gentleman, in a black coat and white neckcloth, appeared at the polling-place, and said that he was the rev. Mr. Jones, of Jesus College, Cambridge.

Sir *J. Graham* said, that the clause only proposed a remedy for personating persons who really were in existence or had existed. He could not devise a remedy for personating persons who never had existed.

Clause agreed to.

House resumed.

AFRICAN COAST.] Lord *Stanley* moved the second reading of the Coast of Africa Bill.

W. Patten hoped that the Government would detach one of the vessels employed on the coast of Africa looking after the slave-trade, for the protection of commerce. He hoped also, that the noble Lord would introduce some words into the bill, so as to make it applicable to future settlements in Africa.

Lord *Stanley* said, the whole of the cruisers employed in looking after the slave-trade, were also in duty bound to protect commerce. As to the other point, it would have his earnest attention.

Bill read a second time.

House adjourned a quarter past twelve o'clock.

HOUSE OF LORDS,

Monday, March 20, 1843.

MINUTES.] BILLS. *Public.*—1$^{a.}$ Enfranchisement of Copyholds.

Reported.—Punishment of Death.

Private.—2$^{a.}$ Littleton Enclosure.

PETITIONS PRESENTED. By the Duke of Argyle, from Glasgow, and Dundonald, for a Speedy Settlement of the Scotch Church Question.—From Alexandria, for Admitting Churches erected by Voluntary Contributions into the Establishment.—From Oxford, Gwaunyscor, and Newmarket, against the Union of the Sees of St. Asaph and Bangor; and for a See of Manchester.—From Charlbury, Chadlington, Shorthampton, Pudlicot, Finstock, and Fawler, Newton Purcell-cum-Shelswell, Goddington, Somerton, Bicester, Ensham, Tetsworth, Chesterton, Watlington, Bucknell, Lewknor, Banbury, Hampton Poyle, and Ducklington-cum-Hardwick, for Church Extension.

CHURCH OF SCOTLAND.] Lord *Campbell* begged permission to ask a question of the noble Duke. He observed, that a petition had been entrusted to the noble Duke on behalf of the General Assembly of the Church of Scotland, respecting their rights and privileges, and he wished to ask, whether it were the intention of the noble Duke to present that petition, and when, because, that in a certain degree would determine the course which he would follow with respect to his motion on the same subject. If the noble Duke intended to present the petition in a manner which would afford their Lordships an opportunity to express their opinions with regard to the complaints which the petitioners urged, he should not bring forward the resolutions of which he had given notice; but if it should not be the intention of the noble Duke, or of those by whom he was instructed upon the subject, to bring the matter before the House, he should feel it his duty to persevere in his motion.

The Duke of *Argyll* said, that the petition to which the noble and learned Lord referred was in his possession, and he believed he should not present it just now; but he was not bound to say whether he would not present it in the course of the Session.

PRIVILEGE — PRINTED PAPERS — EXPLANATION.] Lord *Denman* was sorry to trespass upon their Lordships' attention, but it was absolutely necessary, for the vindication of his own character, and the vindication of the administration of justice in this country, that he should bring before them what he found stated of himself in the public press. He had taken the liberty of trespassing upon their Lordships on former occasions, much, no doubt, to their Lordships' annoyance, but certainly with some benefit to the cause of truth, and with the effect of dissipating most erroneous imputations circulated by portions of the public press. He had before him a newspaper — the *Morning Chronicle*— of Thursday last, which (having, in truth, in the course of his occupations but little time for studying such publications) he had had no opportunity of reading till that very morning. He there found remarks made upon a judgment delivered by himself, in which, among some general terms, were such reflections as these. An hon. and learned Member of the House of Commons was reported to have thus characterised what fell from him.

> "It was a judgment which, if it came to be correctly examined, would be found to contain less of accurate law, as well as less of good sense, than any judgment ever pronounced."

Now he (Lord Denman) begged to state that he had become so used to these flowers of rhetoric in the course of the discussions which took place in the House of Commons some few years ago, when that judgment was nightly made the subject of elaborate *ex parte* criticism, that if the present censure had consisted only of sarcasm in general terms, however strong, or however unseemly, he certainly should never have thought of bringing it as a matter of complaint before their Lordships. He had learned to bear such attacks with equanimity, but this morning, when he thought he should have been enjoying a short holiday from laborious duties, looking over the newspapers, and reading the reported debate, he there found statements which it was impossible for him to know of, without taking the earliest opportunity, in any assembly where he could make his voice heard, of stating his unqualified contradiction to them. General aspersions, he had heard and read as occurring in the same debate, and had passed them over, but the particular charge he had not read till this morning. He thought it better than the adoption of any other course—better than writing to the editor of the newspaper, which, however, in this case he should have proposed to silence, or to the learned individual to whom the statement was attributed—he thought it a less evil than either of those courses to come down to their Lordships' House, and at once to state what the charge made against him was, and what was his contradiction. The charge was stated in these terms:—

> "Look at some of Lord Denman's opinions —remember that which he expressed, that it mattered little whether or not licentious books might be read by the inmates of a prison, old and young persons, placed there with a view to their reformation and amendment. What in the world, he asked, had that to do with the case? If they had got into his own family, he would have seen in a moment what they had to do with domestic government. That any man should be found to say licentious and profligate writings, and their use by prisoners, had nothing to do with prison discipline, I own has astonished me."

That was the statement contained in the newspaper, and not lurking in a corner, not put forward even in a leading article, by way of denouncing some obnoxious person, and informing him how highly the newspaper condemned his proceedings, but purporting to be the report of a Member of the House of Commons—the speech of a most distinguished lawyer, the Attorney-general under the late Government, a person (he would add), whom he had always supposed to be a personal friend of his own, to whom he (Lord Denman) certainly never had been backward in showing any little attention in his power, and who, he thought, would have been the first to repel such an accusation made against him, if it had proceeded from any other quarter. Nor was it an error capable of explanation from the facts being misconceived, for it rested on the plain words of a well-known and authentic document, which even the commonest understanding could hardly misinterpret in this particular. The Chief Justice of England was thus charged here, and in every newspapers in London, and in all their thousand echoes throughout the country, with declaring among other dangerous opinions, that it was a matter of perfect indifference whether licentious and profligate books were placed or not in the hands of young persons shut up in prisons for reformation. It was very true that the hon. and learned person, to whom these words were attributed by the newspaper, went on to say that he had the greatest respect for the noble Lord, and that he had "no wish to detract from the general authority, wisdom, and learning of that noble person," and so on, and that it was extremely desirable to show the deference due at least to his high station, if not to his person. But for the Chief Justice to hold such an opinion, and promulgate it when delivering a solemn judgment in the first criminal court of the realm, was in itself a matter which could not, wherever it was believed, fail to deprive him of all claim to respect or authority. His answer was short: the charge was utterly untrue. He had never uttered one single sentiment, he had never entertained one single sentiment bearing the least affinity to that which had been attributed to him. He thought he could in some slight degree account for the error. His hon. and learned Friend had no doubt been misled upon the subject, if the charge proceeded from him, though he certainly thought it would have been better if his hon. and learned Friend had paused—if he had referred even to himself, even though his words had appeared to bear that meaning—before he took it for granted that such a sentiment could have proceeded from him. The judgment was reported in the ninth volume of Adolphus and Ellis's *Reports*, and the question before the court was, whether a certain publication, made by order of the House of Commons, was or not a privileged publication, and a legitimate exercise of the privileges of Parliament. He on that occasion took the liberty of denying, as he now respectfully denied, that a publication of a paper containing libellous matter, under a general resolution of the House, to sell all papers of a certain class was a legal exercise of the privilege of Parliament. He would now take the liberty of repeating his opinion, that such a publication was no due exercise of the privilege of the House of Commons, and that the expedient afterwards resorted to, the previous declaration that the order was made in the exercise of a privilege did not prove it to be a matter of privilege. It was likewise stated by him (Lord Denman)—

"It is likewise fit to remark, that the defamatory matter had no bearing on any question in Parliament or that could arise there."

"Whether the book found in the possession of a prisoner in Newgate were obscene or decent could have no influence in determining how prisons could best be regulated."

And how could it at all bear upon the question as to the way in which the privilege of the House of Commons exercised, on the inquiry how gaols can be best managed, ought to be whether a particular man had in his possession an obscene book or not? Nobody had ever put forth such a monstrous doctrine, as that books of such a description could lawfully be placed in any hands. Nobody had claimed such a right, or defended such an act; but an individual had complained in a court of justice of the slander which ascribed to him the publication of an obscene book said to be possessed by a prisoner, and he would again ask how that question could affect the consideration how prisons ought to be regulated.

"Still less (the judgment went on to say) could the irrelevant issue, whether it was published by the plaintiff. The most advisable course of legislation on the subject was wholly unconnected with those facts; the inquisitorial functions would be exercised with equal freedom and intelligence, however they were found to be. And if the ascertainment of them by the House was a thing indifferent, still less could the publication of them to the world answer any one parliamentary purpose."

He (Lord Denman) was now prepared to abide by every word of that sentence—and indeed of the entire judgment—a deliberately considered and conscientious judgment, which, with the utmost pain and reluctance, he found himself bound to deliver, when a late House of Commons committed themselves, as they did, to the assertion of a privilege which, in his opinion could not be granted without subjecting all the privileges and liberties of the people to the will and power of the House of Commons. He could not but complain of the attempt to fasten on his words a sense wholly foreign to them; and it was therefore that he asked their Lordships to afford him this opportunity of stating his own construction of his own judgment, and at the same time giving a direct contradiction to the statement of which he now complained. He believed there was no other passage of the reported speech which could make the slightest impression on the public mind to his (Lord Denman's) prejudice in this respect, and for this reason he had been led to recite that passage, of which the perversion and misrepresentation might probably have produced this unwarrantable statement. Their Lordships had in late instances shown themselves fully aware how important it was that all judicial proceedings should deserve public confidence. The judges were not weak enough to wish to escape from public opinion, but on the contrary, hoped to deserve and to obtain public confidence, as their services could only be useful so long as they possessed it. If this were a light matter—if it were, whether the court should or should not on a particular occasion have protracted its sitting to arrive at a result which is described as inevitable, he would not have thought it worth while to complain of such a censure, if, on the other hand, it had been a question whether any learned person in addressing a grand jury had used too strong an expression, when he was not charged with procuring one unjust committal, or passing one sentence too severe, he might have treated such a charge with that contempt which he might think it merited; but when an individual placed in the high position which he (Lord Denman) had the honour to hold, was in direct terms charged with giving countenance to profligacy and licentiousness—when he was accused of expressing opinions so surprising and shocking, he thought their Lordships would feel that he had not done wrong in bringing this matter under their consideration. It was not easy, when having been brought to speak upon this subject, to avoid making a few observations upon what had lately occupied so much of the public newspapers. He did not wish to revive those tedious and almost interminable discussions, which he thought had been at length settled by the act of 1841. He regarded that as an act of peace, and thought the attacks formerly made upon the judges would not have been revived. But an occasion had been eagerly seized (he thought without any pretence of necessity, for treating, not only himself, but all his brother judges in a manner that must have somewhat astonished them—they were found to be mere lawyers, they had shown themselves entirely incompetent to comprehend and deal with a question so large; their minds were too much contracted by their peculiar habits to embrace it; while superior statesman-like views and powers can alone arrive at a proper practical judgment upon points like these. Now, for his part, he hardly knew who talked with this self complacency of their own superiority over mere lawyers; but who, he would ask, were the mere lawyers thus impugned? Mr. Justice Littledale, his late lamented colleague, whom he was now at liberty to praise, because he had paid the common debt of nature, who received on his retirement from the bench that brilliant and just euology from his noble Friend behind him (Lord Campbell), which was equally honourable to both, that learned judge was a great lawyer, was a deep lawyer, was a candid lawyer, and he was a just lawyer. He came to the study of the law with his mind prepared for it by much other study, by gaining academic honours and high distinction, no man was more competent by historical research to form an opinion upon this or upon any other subject either for the purposes of judgment or of legislation. He was one of the mere lawyers. Then there was Mr. Justice Patteson, he, thank God, was not yet ripe for a similar panegyric, He trusted that when he himself should have retired from the bench, Mr. Justice Patteson, much his junior, still might be found there the same ornament and protection of the law and the people which he had always shown himself to be. Another of the judges, another of the mere lawyers, who concurred in that judgment, was Mr. Justice Coleridge—a man who had brought the most cultivated mind, to the study of constitutional law, and in the course of publishing an edition of the works of Blackstone, had been compelled to weigh the legal opinions of that great luminary, after cited as the advocate of unlimited privilege. These were the mere lawyers acting with him on the occasion. They thought themselves competent to appreciate the long, able, elaborate, and learned arguments of his noble and learned Friend (Lord Campbell) when the question was before the court, and he, for one, thought there was so little doubt upon the subject that he was prepared to give an immediate judgment upon it. He believed that Mr. Justice Littledale was also ready to declare the same opinion. But the other two learned judges thought it right to give all the care and reflection that was due to the immense importance of the question, and to that vast mass of authorities which his noble and learned Friend (Lord Campbell) had adduced before them. They therefore, took some weeks for consideration; and after repeated discussions among themselves, their judgment was as decided as unanimous; it had since been acquiesced in. No appeal had been entered against it in any court of error. It must, therefore, be taken for granted, that there was no judicial power in England prepared to say that that judgment was inaccurate in point of law, or to disregard it as an authority. And when it came to be more calmly considered, and more fully and completely examined, he believed that it would be found to be as much supported by reason as by authority. He would not trouble their Lordships with the history of that conflict which followed, and which none deplored more deeply than himself. The act to which he had before adverted appeared to remove all likelihood of future collisions: but some points arising from the original dispute was still pending in a court of law. He would remind the House that early in the year 1841 the two sheriffs of London having been sent to Newgate for obeying a writ which had issued from the Court of Queen's Bench upon a judgment which the judges of that court all still believed deliberately to be correct in point of law, applied for a writ of *habeas corpus*. The writ was granted, and a return was made. It was, in general terms, setting forth that the sheriffs had been committed to Newgate by the House of Commons for a contempt of its privileges. The judges thought themselves bound by precedent and by law (but he confessed it was on his part with an aching heart that he acted on that compulsion) to remand those sheriffs into custody. They all thought that the conduct of the House of Commons was unjust and tyrannical, but still they remanded the sheriffs, because they did not feel that they had any right to depart from the precedents which their predecessors had handed down to them. The action of Howard *v.* Gosset had been since tried, in which the privilege of the House of Commons to commit for contempt was held to be a justification for its officers, to the fullest extent then claimed. Now, when such was the fact, he would ask whether it were quite fair to say that the judges had been encroaching step by step, upon the privileges of the House of Commons, since the power which was conceded to them in 1837, when it was determined to plead and bring the matter before them for solemn argument? He would not deny that there might have been some strong expressions — somewhat too strong expressions perhaps used by himself in the course of that inquiry; but who was there in the shape of man, who could help feeling for those most respectable persons who had been committed to prison for faithfully acting under an order of a court of law, the law, in a manner perfectly correct and legal, when that very court was compelled by precedent to continue them in custody? Beyond this, what could be expected by any popular assembly, or how was it possible for the judges to show, by a greater sacrifice than this, their sense of duty and respect for the law and privileges of the House of Commons? Was it then he would ask, quite worthy of persons in high station to say, "Oh, the judges are persons whom we the House of Commons control and keep in awe—we might call them to the Bar of the House, and if they persevere in resisting our privileges we might send them to Newgate. And hence we will be ready to impute opposition on the part of the judges to feelings of jealousy of power that may be formally employed against themselves?" The judges looked to the Government, in the discharge of their high functions, for a frank and hearty support; and he was perfectly sure, that when they appealed to the noble Duke opposite, as well as to the Governmment generally, they would never appeal in vain. But at all events, he did not feel that the Prime Minister of England, all powerful and all popular as he might be, and owing his power and popularity to the House of Commons, could be justified, from anything that had taken place, in suspecting that the judges, from such mean motives would play so paltry a game. The just privileges of the House of Commons secure to them, with their fellow-subjects, the benefits of this free Constitution. Their real privileges are as necessary for their preservation of the rights of all, as the right of appealing to the courts of justice for any lawful object. Sensible of this truth, the judges will act, as they have acted, on the law, admitting every claim which it acknowledges, and withholding however violently demanded, whatever it refuses to sanction. He could say much more, but he would abstain; he, however, confessed he entertained the hope that he had at least been successful in rescuing before their Lordships his name from a foul calumny.

Lord *Brougham*: I am sure there can prevail among your Lordships but one opinion and one feeling, unbroken by any diversity or shade of doubt, and that is, the opinion and the feeling which will lead you to echo heartily and instantly the last sentence pronounced by my noble and learned Friend, that he has most satisfactorily and most triumphantly vindicated himself from the foul, the false, and slanderous charge which has been levelled at him—not by insinuation—and that is its only merit—but by plain and distinct accusation, in the libel of which he complains. I think your Lordships must also be prepared to go along with me in the expression of another sentiment on the present painful occasion—that the Lord Chief Justice had no choice—that he could not, whatever might be his inclination, that he might not—that, with due regard to his own character, and to the character of the high office which he fills, he dared not allow to pass unnoticed such a libel as this. He instantly hied to his place—he instantly met the charge—he instantly gave that contradiction which, if it had only proceeded from his own assertion, would have been sufficient to satisfy your Lordships, and me who know him, and the rest of his countrymen, that the charge was as foul as false, and as false as it was foul. I have, however, another contradiction to give proceeding from another, but an appropriate quarter. The accusation was couched in the form of a pretended report of a speech, purporting to be delivered by an hon. and learned Friend of mine, for whom I, with my noble and learned Friend, entertain the greatest esteem, as if my learned Friend had given vent to these slanders in his place in Parliament—a great aggravation to the charge, permit me to say—an aggravation which barbs the arrow which malice had pointed—which tends to make it stick in the wound that malignity had made. Because, not coming from a mere editor, or printer, but coming from a great member of our profession, in the discharge of his parliamentary duty, a charge of this nature is not so easily got over—not so swiftly forgotten—and not so safely borne. Accordingly, the slanderer chooses to put it in the form of a report of a speech delivered by that learned person in the discharge of his parliamentary duty, upon a grave question of parliamentary privilege. But I hold in my hand, from that learned sergeant, a distinct disclaimer—an articulate disavowal—a positive and deliberate denial of having made any such charge against my noble and learned Friend. He said he was not aware, until his attention was called to them this morning, of the words which some one had chosen, when professing to report a speech of his, to put in his mouth. He then looked at it, and, no doubt, though he says it not, he saw with astonishment this speech which had been fabricated for him. He adds,

> "I was for the first time, this morning, referred to the report in the *Morning Chronicle*, in which I am supposed to have imputed to Lord Denman that he said, 'It mattered little whether or not licentious books might be read by the inmates of a prison.' I am certain (says the learned sergeant)—I am certain that I never imputed to Lord Denman to have said anything but that the censure on the Stockdale book was irrelevant to the subject of the report."

Which is, in precise, distinct, and almost literal terms, the very expression that my Lord Chief Justice cited from the 9th volume of *Adolphus and Ellis's Reports*," as having been the substance of the argument used by him in that memorable judgment. My Lords, I hope and trust, I think I may almost say from a knowledge of the parties that I expect to see that this disclaimer and denial of the learned sergeant will be followed up by the course which is fit and proper to be taken, either by the worthy Baronet, or some other person on his part, who has the superintendence of that daily paper of which he is said to be the proprietor. As that worthy Baronet is a member of Parliament, he must be aware of the falsehood of the charge made, not so much against my noble and learned Friend as against the learned sergeant; for I hold it the gravest offence against that learned sergeant to put such words in his mouth without a shadow or colour of truth. It is well known to your Lordships—I hope it is known to the public—I trust and hope it is also known to those who are proprietors of newspapers and who prepare reports of debates—(generally with great accuracy, with extraordinary accuracy, and with great ability, considering the difficulties attending upon that task with great usefulness both to the public and to Parliament, as I am always the first to admit, and I will add, generally speaking, with great fairness and impartiality towards the parties reported) —I hope that those persons to whom I am referring — that the proprietors and responsible editors of those papers in which Parliamentary reports constantly appear, are aware of the law of this subject. If a man in either House of Parliament chooses to utter words importing a libellous charge against any person whatever, in or out of Parliament, he, the Member of either House of Parliament, is, by the common law of the realm, and by the unquestioned and unquestionable privilege of Parliament, and by the letter of one of our most sacred statutes—the Bill of Rights, wholly irresponsible for what he has said in his place, in any court of law, or any other place whatever. But no person who may take upon himself to print or publish what he said, is in any manner or way whatever screened, or protected, or aided, by Parliamentary privilege; and whoever publishes to the world any libellous charge made by any person, in the discharge of his Parliamentary duty, is, by the law of this land, as declared in repeated judicial decisions, responsible to the law for the publication of the slander. This is a law as well known to be the present law of the land as any one chapter amongst our statutes; and I hope and trust that those who have erred, who have sinned so grievously upon this occasion, will now be aware of what the law of the land is upon the point, and that they will act for the future accordingly. It is wide of the present question that I should say one word upon the latter part of my noble and learned Friend's impressive speech. We are not here called upon to discuss a matter upon which there can by possibility continue to exist a difference of opinion; but I should not think that I discharged my duty towards your Lordships, towards my noble and learned Friend the Lord Chief Justice, and towards those venerable Colleagues of his who sit with him in the Court of Queen's Bench, and who united with him in pronouncing that most memorable decision to which he has referred, if I did not add that I entirely, and from the bottom of my heart and soul, agree in every one particular with the judgment so pronounced; that I heartily concur in the renewed statement of his own deliberate opinion of that judgment which my noble and learned Friend has this day given to us; and that I rejoice in this opportunity of feeling myself relieved from all scruples of declaring such to be my opinion. This I could not have done whilst proceedings were pending that might have brought the case before me judicially in this House; but I am now at liberty to state that my own individual opinion is in strict accordance with that of the Court of Queen's Bench; because it turns out that there is an end to the case, and that the other House of Parliament, after the decision thus pronounced against them, have not thought fit (therein exercising a most sound discretion) to appeal to your Lordships from that judgment, which must, therefore, be deemed and taken to have settled for ever the law upon the point.

Lord *Campbell:* If my noble and learned Friend the Lord Chief Justice feels for an instant that any stigma could attach to him from the imputation contained in the erroneous report to which he has referred, I think he did well at once to come down to this House, and with indignation to repel the charge alleged against him. For all who knew my noble and learned Friend must be aware that there could not be the slightest foundation for such a charge. Never sat judge in Westminster-hall more earnest to inculcate pure morality than my noble and learned Friend. I will add that he is a bright example in all the great qualities of a judge to all who administer justice. But my noble and learned Friend having gone further than merely setting himself right—having entered into the general law of the subject of parliamentary privilege, I think it becomes me, now that I have the honour of being a Member of your Lordships' House, to say, that I by no means acquiesce in the law as my noble and learned Friend has laid it down. I entertain, now that I am a Peer of Parliament, the very same sentiments that I expressed when I had the honour of being a Member of the House of Commons. My opinion is this, that your Lordships' House and the House of Commons are the sole and exclusive judges of their own privileges. My opinion is this, that the Court of Queen's Bench, when they were called upon to give a decision with respect to the power of the House of Commons to publish papers for the information of the public, ought to have been satisfied that they had no jurisdiction to determine upon the existence of that privilege. [*Interrupted by talking and a cry of* "Order, order."]

Lord *Brougham:* I wish to know what disorder is there?

The Marquess of *Lansdowne:* I took

the liberty of calling to order, because, sitting in my place in Parliament, I was prevented from hearing the observations of the noble and learned Lord who was speaking, by the loud talking of four noble and learned Lords who had assembled near the Woolsack.

Lord *Brougham*: But my noble Friend did not call to order till all the talking was entirely at an end.

Lord *Campbell* resumed: If my noble and learned Friends will do me the honour to listen to me for a few moments, I may be able to convey to them some information that may be useful for them, and which they have not always borne in mind. Since the time of Chief Justice Fortescue down to the reign of her Majesty Queen Victoria, the greatest judges who have sat in Westminster-hall have declared that it did not belong to them to decide upon the privileges of Parliament. I concur in the panegyric passed by my noble and learned Friend, the present Chief Justice, upon his late venerable and excellent colleague, Mr. Justice Littledale—a more profound lawyer never sat in Westminster-hall; but in entire accordance with the eulogium which I, speaking in the name of the unanimous bar of England, had the honour to pronounce upon him, I now say he was not the very fittest, nor most competent person to decide upon a question of Parliamentary privilege. This House and the House of Commons, have from time immemorial determined their own privileges. This is a right which has been uniformly exercised by your Lordships' House in ancient and in modern times. Your Lordships have repeatedly stopped actions that were brought to question your privileges. This happened again and again during the reign of George 3rd. It happened whilst that great and distinguished judge, Lord Eldon, presided upon the Woolsack. In a case where an action had been brought to question the rights and privileges of this House, after judgment had been obtained, the parties to the action were summoned by your Lordships to the Bar, and were threatened to be sent to Newgate, if they did not at once renounce the benefit of the judgment they had obtained. Such was the law in the time of Lord Chancellor Eldon; such I believe to be the law in the time of Lord Chancellor Lyndhurst. I rejoice to hear the contradiction which my noble and learned Friend (Lord Brougham) has given from Sir Thomas Wilde, of the language attributed to him in the report. I knew, that my hon. and learned Friend (Sir Thomas Wilde) could never have used such language. But my noble and learned Friend, the Chief Justice, upon the occasion of delivering the memorable judgment of the Court of Queen's Bench, in Stockdale *v.* Hansard, stated that which I think might well be complained of. There certainly was not the slightest pretence for saying that my noble and learned Friend had asserted in his judgment, that obscene books might be read without offence by persons in gaol; but what I understood my noble and learned Friend to state was this—that the House of Commons had no right to inquire into that; that it was perfectly immaterial to the inquiries of the House of Commons, whether obscene books were read by prisoners in gaol or not. Now, there, I think, he was mistaken. It was competent for the House of Commons to consider whether a bill should not be brought in to regulate the gaols throughout England. Prior to the introduction of such a measure, was it not most material that they should see what the regulations and discipline of the gaols had been, and whether the use of obscene books was permitted to the prisoners or not, in order, if such should turn out to be the fact, that so enormous an abuse might be remedied? It was essential, therefore, that the report made upon such a subject, should state the abuse, if the abuse were found to exist. Moreover, it was most material, that the fact of the existence of the abuse should be communicated to the public, because the public would thereby be prepared for such legislation upon the report, as should have the effect of correcting and eradicating the abuse. My noble and learned Friend has thought fit to pronounce a panegyric upon the judgment of the Court of Queen's Bench. I should be unworthy to stand upon the floor of your Lordships' House, if I did not, with equal boldness, pronounce my opinion of that judgment. I think it was entirely erroneous, and contrary to law. I think, in the first place, that the judges had no jurisdiction to determine the question of Parliamentary privilege; and, in the second place, I think, that if they had jurisdiction to determine the question, they determined it improperly. Your Lordships need not be afraid of my entering at any length into this subject. I occupied, unfortunately, no less than sixteen hours in trying to persuade my noble and learned Friend, the Chief Justice, to decide in favour of the House of Commons. I will not give your Lordships upon the present occasion even an abstract of what my arguments were before the Court of Queen's Bench, but I will refer your Lordships to that which is infinitely better than any argument of mine could possibly be, namely to an act of Parliament passed by your Lordships' House. My noble and learned Friend, says that he believes the judgment of the Court of Queen's Bench, has been generally approved of. In my opinion, and according to my observation, that judgment was at once condemned by Westminster-hall. All the most eminent lawyers on both sides in politics, honouring the conscientious intentions of my noble and learned Friend—speaking most respectfully of him and of his learned Colleagues—still believed that the judgment was quite erroneous. And I think, that your Lordships have since reversed that judgment. What was the foundation upon which the judgment rested? My noble and learned Friend, the Chief Justice stated, that the House of Commons has all the privileges which are necessary for the due performance of its functions as a branch of the Legislature; and he added, that if he thought that the right of publishing for the information of the public, what the House of Commons considered necessary, was essential to the due discharge of the functions of the House of Commons, it must, of course, in that case, be considered and treated as a privilege of Parliament; but my noble and learned Friend, the Chief Justice, and Mr. Justice Littledale, Mr. Justice Patteson, and Mr. Justice Coleridge, were all of opinion, that the power of publishing papers for the information of the public, was not necessary for the due discharge of the functions of the House of Commons. What followed? Your Lordships agreed to a bill sent up to you from the other House of Parliament, the recital of which is to this effect:—

"Whereas it is essentially necessary to the due performance of the functions of the two Houses of Parliament that they should have the power of publishing whatever of their proceedings they think may be requisite for the information of the public; therefore, be it enacted, that hereafter no action, or indictment, or proceeding, shall be instituted in respect to anything that is ordered to be published by either House of Parliament."

So that this power of libelling, as it has been called, is established by act of Parliament. Either House of Parliament may order to be published whatever it thinks necessary for the information of the public. Why, then, your Lordsships (agreeing to the act of Parliament which makes that declaration) have differed in opinion from my noble and learned Friend, the Chief Justice, and his learned Colleagues, Justices Littledale, Patteson, and Coleridge. Your Lordships are of opinion, that this power of publication is essentially necessary to be possessed, by both Houses of Parliament, and, therefore, you have enacted that the power shall be enjoyed by both. The foundation of the judgment of the Court of Queen's Bench was, that the power of publication was not essential to the due discharge of the functions of Parliament. Your Lordships declare that it is essential, and pass an act of Parliament to carry out your views upon the point. I maintain, that that act of Parliament amounts to a Parliamentary reversal of the judgment of the Court of Queen's Bench. There was no occasion for any writ of error; your Lordships, by act of Parliament, reversed the judgment. Under these circumstances, I trust, that your Lordships will not come to the conclusion, that the House of Commons made an unjust or an ineffectual struggle. I glory in having been a Member of that House of Commons. I think, that in committing the sheriffs of London and Middlesex, the House of Commons did what it was imperatively bound to do. I say, that that House of Commons achieved a triumph for the constitution by maintaining its privilege, because either House of Parliament may now, without danger or apprehension of actions or indictments communicate whatever may be thought useful to enlighten the people, and lay the foundation for future legislation.

Lord *Abinger:* When my noble and learned Friend says, that all the lawyers in Westminster-hall dissent from the judgment pronounced by the Court of Queen's Bench, I am anxious to say that as far as my knowledge and experience go, I must entirely differ from my noble and learned Friend. I do not wish to offer any opinion of my own upon the question, because I believe it to be quite unnecessary for me to do so; but as far as I have had opportunities of learning the general opinion of Westminster-hall upon the subject, that general opinion perfectly coincides with what has been stated by my noble and learned Friend, the Chief Justice. My noble and learned Friend (Lord Campbell) at the time that the judgment was pronounced, was not in a situation to ascertain truly, what the real opinions of the bar were. He then held a high and influential situation under the Government, and was surrounded by persons who were not likely to differ from him in opinion. But, as far as I could learn the opinion of Westminster-hall upon the subject, I must say that the general feeling there coincided with what I believe to have been the univeral opinion elsewhere.

Lord *Denman*: In the observations which I considered it due to myself to offer to your Lordships, I had no intention of making it necessary for my noble and learned Friend (Lord Campbell) to enter into any argument upon the question decided by the judgment of the Court of Queen's Bench. If my noble and learned Friend wished to protest against any opinion of mine, I should have thought that protest sufficient; or to draw inferences from any measure that your Lordships have acquiesced in, I apprehend that he might have chosen a more convenient and a more fitting opportunity of doing so than the present. What necessity was there for my noble and learned Friend to go into a long argument to show that the judges were wrong? And when my noble and learned Friend refers to the act of Parliament, and says that your Lordships have reversed the judgment of the Court of Queen's Bench, I beg to remind your Lordships with what different feelings that act of Parliament was received at the time it was passed. We did not then see anything of the great sticklers for parliamentary privilege—of the great champions of the rights of the people as asserted by the House of Commons—of those who said that inquiry was necessary, and that inquiry would be useless unless it were carried out by the right and power to publish, we then saw nothing of these persons; coming forward to congratulate themselves that the proposed act achieved their triumph over the courts of law; but on the contrary, sad lamentations and forebodings—lamentations that any act should be thought necessary, since it was a confession that privilege could not maintain itself, and forebodings that all the powers of Parliament must thereafter be referred to the courts, the expounding of acts of Parliament. It is very true that the preamble of the act says, that it is necessary for the due discharge of the functions of the Houses of Parliament that they should possess the power of publication. But what publication? The publication of all that Parliament thinks it fit and proper that Parliament should publish. Does not that impose a duty upon the House of Commons—a duty not imposed before—and a duty which I must say the House of Commons had most grossly and scandalously neglected. Am I not justified in so speaking when I see that upon the journals, a petition is allowed to remain containing imputations and charges upon that most learned, most excellent, most irreproachable judge—Chief Justice Tindal?—a petition disgraceful to those who wrote it, disgraceful to those who presented it, and doubly disgraceful to those who published and circulated it to the world at the price of three halfpence a sheet. Tell me that it was not necessary for the judges to assert the right of the subject, and to stand up against the assumed privilege of the House of Commons? What was the occasion out of which this question of privilege arose? My noble and learned Friend thought I had said, that I considered it unnecessary for the House of Commons to inquire whether obscene and scandalous books ought to be in the hands of the prisoners in our gaols. I totally deny it. I never said any such thing. I spoke in reference to the particular case before me, fully admitting the duty of Parliament to obtain such information as might lead to effective legislation on every subject, but as distinctly denying that the fact of some prisoner being allowed an improper book in Newgate, or the fact of Mr. Stockdale having printed that book, and much less the publication of those facts to the world for money, could have any connection with the legislative proceeding. I well remember explaining how the controversy had arisen, when that act was before your Lordships, and the astonishment of my noble Friend, whose absence we all lament, the noble Viscount then at the head of the Government, when he learned from how small an egg this giant discord had sprung. The commissioners for inspecting prisons had reported to the King—and their report was laid before the House of Commons, unfavourably to the discipline of Newgate. They stated, that an obscene book was found in the possession of a prisoner there. The court of aldermen who superintend the discipline of the prison defended the book, maintaining that it was not an improper book, but a scientific book. Now, it might be a scientific book, and still a very improper book to be placed in the hands of prisoners. Instead of taking that issue the commissioners persisted in this immaterial charge, resting it on the fact (among others) that Stockdale was the publisher of it. The aldermen rejoined. This idle controversy was sent to his Majesty and to Parliament, and printed under the resolution of the House of Commons, for general sale at so much a sheet. Was this necessary for the privilege of Parliament? Was this necessary to enable Parliament to legislate? What a false issue, what a fictitious case! There is not a word of truth in it as referable to these proceedings. I was astonished at the disingenuous manner in which the case was brought forward, and the same charge of exposing prisoners to contamination from improper books then advanced against the judges which has recently been revived against me. But to come back to this act to which my noble and learned Friend (Lord Campbell) alludes. I admit, that the preamble says, that it is essential for the due discharge of the functions of the two Houses of Parliament, that they should possess the power of publishing whatever they may deem necessary to assist them in their legislation, and I rejoice that it is made so. There is no part of my life that will gainsay the opinion that imperfect publication is one of the greatest evils; and that when information upon a particular subject is made the basis of legislation, the fuller and more ample the information obtained and published upon that subject the better. As a judge, I denied that that privilege existed before to the injury of individuals; as a legislator, I concurred in its being permitted for the future. As a judge I could but lay down the law as I found it; as a Member of Parliament, I agreed to it as a change for the public advantage. But is the power to publish thus vested in Parliament to be free from all manner of restraint? Can every man who thinks he has a grievance go before Parliament, with an *ex parte* position, as he thinks proper, and then circulate his libel through the country at the public expense, at the cost of so much a sheet? On the contrary, the right to publish that which is thought fit and proper to be published, imposes on Parliament the duty and responsibility of considering the fitness and propriety of each publication. But the act is called, inconsistent with the judgment because the one denies the necessity of publishing, the other asserts it. This remark shows an entire forgetfulness of the difference between a judicial and a legislative proceeding. My noble and learned Friend still denies that a court of law can form any opinion on privilege of Parliament; he says, that mere lawyers as we are, we cannot understand the subject. Perhaps not; perhaps we cannot define all that is privilege, but are there not some things which we know not to be privileges? Suppose the House of Commons impose a fine in the name of privilege; if its lawfulness should be questioned before me, do I not know that that House enjoys no such privilege? Can I refrain from acting on that knowledge? Stronger cases may be supposed; nor can the power of enforcing whatever it may call privilege be conceded, without absorbing all other rights inherent in all classes of our fellow subjects, against this despotism, the judges vindicated the law, and every other question in the cause was comparatively insignificant. Opinions may be divided on minor propositions brought before us, respecting the actual exercise of the privilege of publication. Some may think it was established by the evidence. We thought otherwise, and I think so still; and as a historical question, which happily it has now become, the balance of reasoning appears to my mind entirely against the possession (by either House of Parliament) of the privilege of indiscriminate publication. I will not enter further into the subject. I am sorry to have brought upon your Lordships even the trouble of hearing much of this ancient and entirely by-gone question. My apology is, that I really could not have gone on thus performing my duty with complete satisfaction, I could not have faced the grand jury of Sussex whom I must charge to-morrow, if I had allowed the calumny to pass unnoticed. Allow me now, in conclusion, to express the very sincere gratification with which I have listened to the handsome terms in which my hon. and learned Friend (Sir T. Wilde) had spoken of myself, disclaiming as he has done through the medium of my noble and learned Friend (Lord Brougham), the statement attributed to him.

Lord *Brougham:* I do not wish to add to the length of the present discussion; but it is yet impossible for me to refrain from some expression of surprise at what I have heard from my noble and learned Friend (Lord Campbell) behind me. My noble and learned Friend astonishes me, as it must have astonished your Lordships, and I believe, when the thing gets abroad, will astonish the whole of the bar of this country, with a statement that all Westminster-hall disapproved—[Lord *Lyndhurst:* Of all parties.] Ay, all Westminster-hall, of all parties, of all shades of political opinion, disapproved of the judgment of the Court of Queen's Bench. My noble and learned Friend has not been mis-reported or mis-stated; we heard this with our own ears. But my noble and learned Friend the Chief Baron (Lord Abinger) has borne a totally contrary testimony as to the opinion and feeling of Westminster-hall upon the subject. Beyond the testimony so borne by the noble and learned Chief Baron, it is perhaps unnecessary to go; only I add, for the honour of the bench upon all similar occasions, and especially upon this, that if there be any one species of testimony against the validity of the judgment of a court of law which has less weight than any other testimony, than all other testimonies—if here be any one authority less strong, potent, and weighty, against the judgment be any of the judges of the land—if there of any one authority which is lighter than a feather in the balance, in order to countervail the opinion of the court and the grave and venerable authority of the Queen's sworn judges, administering justice and the law according to their oaths —it is precisely the testimony, precisely the authority, precisely the opinion of such persons as are represented on the present occasion by my noble and learned Friend (Lord Campbell)—namely, the advocate in the cause—not the sworn judge, but the retained counsel in the cause, who has been defeated by the reasons put forward on the opposite side, and who has been condemned by the unanimous judgment of the court whom he has addressed. And if anything can, by possibility, still more detract from the weight of censure so expressed, and the authority of opinions so pronounced, it may be found in the supposition that the learned counsel would not sit down with a perfectly free and unbiassed mind, under an entire discomfiture, after having argued on one side of the case, as my noble and learned Friend (Lord Campbell) admits he did, for no less a space than sixteen hours, and at the end of all that time finds that all the judges have agreed and decided against him. I have only to add, that my noble and learned Friend the Master of the Rolls (Lord Langdale) expressly (though in my absence, but I know the fact from the very best authority) gave his support to the bill after which my noble and learned Friend (Lord Campbell) rather surprised me by relying as an authority against the judges upon the ground that it was not at all inconsistent with the judgment of the Court of Queen's Bench. I think it my duty to state this, as otherwise the bill in question might seem to convey an imputation upon the very important judgment delivered in this celebrated case.

The Duke of *Wellington:* I merely wish to offer one observation upon what has fallen from my noble and learned Friend in respect to the Act of Parliament passed a year or two since, to declare the privilege of Parliament as regards the publication of papers. The noble and learned Lord (Lord Campbell) says, that that act was a contradiction of the judgment of the Court of Queen's Bench, and was wholly inconsistent with it. I wish just to state what passed in this House when the act was under your Lordships' consideration—namely, that it was the noble and learned Lord the Chief Justice of the Queen's Bench who supported the measure, and prevailed upon your Lordships to adopt it. Answering only for myself, I can say that I was persuaded to vote for the measure entirely in consequence of the speech of the noble and learned Chief Justice, who, I take it, would not have urged the bill upon the adoption of the House, if it were so entirely inconsistent as the noble and learned Lord (Lord Campbell) has represented it to be with the judgment of the Queen's Bench.

Lord *Campbell*: As I before stated, the foundation of the judgment of the Court of Queen's Bench was this—that the power claimed by the House of Commons to publish their proceedings was unnecessary to the due performance of their functions—that if it had been necessary, the judges would willingly have accorded it, and have decided in favour of the privilege. That was the main foundation of the judgment. The preamble of the act says, "Whereas it is essentially necessary for the due performance of the functions of the two Houses of Parliament, that they should possess the power; therefore it is enacted that the power shall be enjoyed by them." This is the reason upon which I submit to your Lordships that substantially the act of Parliament is a reversal of the judgment of the court, and that it is wholly inconsistent with the grounds upon which that judgment was founded. With respect to what has fallen from my noble and learned Friend (Lord Brougham) I may perhaps be allowed to remark, that it would have been appropriate enough if I had had the presumption to give my own individual opinion of the judgment of the court. If I, who was the advocate in the cause, had stated upon my own authority merely, that the judgment was wrong, it would undoubtedly have been very inappropriate, and entitled to no weight. But I said that others of much higher authority than myself had intimated opinions adverse to the judgment—that all the lawyers in the House of Commons, on both sides, or rather on all sides of politics, Whig and Tory, Liberal and Conservative—those who were members of the late Government —those who are connected with the present Government — all with one voice agreed that the judgment of the Court of Queen's Bench was erroneous. It was not I, individually, who ventured upon the expression of such an opinion; but I ventured to remind your Lordships that such was the opinion entertained by others. Of course, when I say that all lawyers of all parties agreed in one common opinion upon the subject, I do not speak of the judges, who have none of them had the indiscretion to pronounce an opinion upon the point. But at the bar, I believe, the opinion was almost unanimous. My noble and learned Friend the Chief Justice has referred to what I certainly agree with him in considering as an enormous abuse —the presentation and publication of a petition in the House of Commons against that most learned and most distinguished judge, the present Chief Justice of the Court of Common Pleas. I regret that such a petition should ever have been received, much more that it should have been printed. But the abuse of a privilege does not at all show that the privilege does not exist. I could remind your Lordships of many judgments delivered in Westminster-hall in former times—most disgraceful to the character and memory of the judges who pronounced them to show that the mere abuse of power is no proof of the non-existence of it. I am not at all sorry that my noble and learned Friend the Chief Justice has brought this matter under your Lordships' notice. Indeed, I rejoice that he has given an opportunity to my noble and learned Friend (Lord Brougham) behind me, to repel, upon the authority of Sir Thomas Wilde—a friend common to my Lord Chief Justice and to myself, and who, I am sure, would be the last man in the world (for though he be strong in his opinions, he is firm in his friendships) to calumniate any man, and least of all my noble and learned Friend the Chief Justice, whose character, learning, and manners, all of our profession join in loving and venerating.

Lord *Brougham*: I must say that I do not think that my noble Friend, having now twice addressed your Lordships, has at all improved his case by the effort he has just made. [Lord *Campbell*: How often have you spoken?] How often!—that is no answer to the charge which I am now making against my noble and learned Friend: which is, that he renders his case worse and worse the more frequently he rises to defend it. I ventured just now to express an opinion to your Lordships, that the counsel who had been defeated in an action was a very bad authority upon which to rest an opinion adverse to the judgment of the court. My noble and learned Friend said, that all Westminster-hall disapproved of the judgment. I took it for granted that that was only another way of telling your Lordships that he disapproved of it himself. But what does my noble and learned Friend say?—

> "Oh (says he), it was not I who impugned the judgment, but the party whom I represented and defended—all the lawyers in the House of Commons"

That is to say, that it was not the counsel but the client who disapproved of the judgment; because, upon the occasion in question, the House of Commons was the client of my noble and learned Friend.

> "My opinion (says my noble and learned Friend) goes for nothing. I will not trouble your Lordships with that, but I will give you the opinion of my defeated client—all the opinions of all the lawyers in the House of Commons are against the judgment of the Court of Queen's Bench."

I must say that there was one illustrious exception in the House of Commons—Mr. Pemberton, who wrote a most excellent pamphlet upon the question, taking precisely the same view as the Court of Queen's Bench. [Lord *Campbell*: That was upon the question of jurisdiction.] No matter, it comes to the same thing.

Here the matter dropped.

POOR-LAW (SCOTLAND).] The Earl of *Rosebery* in rising, pursuant to notice, to call their Lordships' attention for a very few moments to the commission which had been lately issued by her Majesty for investigating the existing system of Poor-laws in Scotland, was anxious in the outset to return his sincere and grateful thanks to her Majesty's Ministers for having instituted this inquiry; because, after much investigation, and many years of observation and reflection, he was strongly of opinion, that however much of merit there might be in some part of the existing system of Poor-laws in Scotland, still the whole required complete revision, and many parts of it very great change. It was a common opinion (in many instances very erroneously imbibed), that the present system of Poor-laws in Scotland, notwithstanding the great change that had taken place in the society and the population of that country, was in itself the best adapted, not only for Scotland, but for almost every other country in which a Poor-law existed at all. He was anxious to take an early opportunity of declaring that he was not one of those who participated in that opinion. On the contrary, he had long thought that there were great defects in the system, which required immediate remedies, and that it produced evils which called loudly for redress. With respect to the composition of the commission, he was aware that the Government must have felt considerable embarrassment and difficulty in the selection of proper persons, and he was ready to acknowledge that those who had been chosen to act in this delicate and difficult inquiry were not only unexceptionable but were well chosen. Also, with regard to the terms in which the commission had been drawn up, they could not have been better expressed. They had the merit of being both sufficiently comprehensive, and sufficiently limited. Upon a subject like this, there ought not to be the least appearance of bias on the part of the commissioners, and he wished, in common with what he was sure was the wish of her Majesty's Government, that a report should be made by the gentlemen constituting the commission, which should command the universal confidence and assent of the country. He could not help expressing therefore, his belief that the names of two or three gentlemen who might be considered as particularly acquainted with the wants and the situation of the great towns, might advantageously have been added to those already appointed. He had no right to anticipate what the report might be—he had not the means of so doing; but even if he had, he should not think it his duty to enter upon any such speculations on the present occasion, or pending the inquiry It was necessary, however, as he had before said, that that report should obtain almost universal assent, and he feared, on account of the omission he had pointed out, that such might not be conceded, particularly if the report took a particular direction. Having stated his only objection to the composition of "the commission," he must add that he could not agree with those who complained that Dr. Alison had not been included in it. With the highest respect for his general character and qualifications, and for his labours on this particular subject, the very circumstance of Dr. Alison being thus committed to certain persons, and opinions rendered him in his judgment ineligible for this duty. Objections had been made to two rev. gentlemen who had been appointed commissioners; but he thought the Government had exercised a wise discretion in appointing them who were more conversant than most persons with the effects of the present law. He trusted the few remarks he had made would be received in the spirit in which they had been offered,—namely, an anxiety to obtain the greatest amount of good from the inquiry, for it involved questions of the most important kind, and not less difficult than important, as he thought in several points a selection of them would be found more difficult than the amendment of the English Poor-law, or the introduction of one into Ireland.

The Duke of *Wellington* had the greatest satisfaction in assuring the House, that the commission had been issued with the view and object stated by the noble Lord, that a report should be made which would give full and entire satisfaction to the country on the subject of the inquiry.

He believed that the Government had made such a selection of persons upon the commission as would carry the entire confidence of the public. One of them, a noble Friend of his (the Duke of Wellington's), had long been a Member of the Councils of the Sovereign, and during the whole period he had held a distinguished office in the public service he had performed his duties alike with honour to himself and advantage to the country; he had also been particularly conversant with all matters relating to the internal Government of Scotland. That noble Lord, therefore, was of all others, on the score of his information, as well of his impartiality and of his judgement, a fit member of such a commission, and one the most calculated to bring the inquiry to a result which would be satisfactory to the public. Another noble Lord on the commission had been holding for the last ten years a high situation under the Crown in Scotland, and in the course of that time must have been in communication with the clergy, and have obtained an intimate knowledge of the wants of the country on this subject. There were two other gentlemen, one of whom had been in the public service, and had also been Member for the great county of Perth, and the other had been connected with Ayrshire. Besides those, there were two clergymen of the Church of Scotland, one a minister of Greenock, and another the pastor of a country parish in the Highlands. Besides those, there was a seventh gentleman, Mr. Twistleton to whom he wished to draw the attention of the House, as having been particularly employed in various enquiries into the distress existing in some of the great towns; he had been employed under the Poor-law Commission in this country and had an accurate knowledge of the working of that law. He had also been sent into Paisley at that period of the distress in that part of the country when her Majesty had thought it proper to send down assistance to relieve that distress; on that occasion that gentleman had been appointed to administer the relief, and had been in communication with the relief committee of the town. That gentleman had made some most valuable reports to his (the Duke of Wellington's) right hon. Friend the Secretary of State, which showed an intimate knowledge of the subject, and a capability of rendering most essential service to the commission engaged in making the present inquiry. He (the Duke of Wellington) was therefore convinced that that Gentleman would supply all deficiencies that might be supposed to exist on account of no person being appointed on the commission who belonged to the great towns. Upon the whole, he (the Duke of Wellington) believed that the commission had been so formed that a report would be made which would enable the public to come to a right judgement on the subject, and that the measure produced in consequence of that report would produce those benefits to Scotland which it was the wish of the noble Earl and all who had turned their attention to the subject to attain.

Lord *Campbell* believed that the commission could not have been better selected particularly as regarded the noble Lord at the head of it, who had been a great benefactor to his country. At the same time he (Lord Campbell) agreed with his noble Friend, that it would have been desirable if one or two gentlemen representing great towns, had been added to the commission. He, however, had the greatest confidence in the commissioners, and the report that would be produced by them. Some change appeared to be necessary in the law, but he hoped none would be made in the principle of it.

The Earl of *Haddington* remarked that it was impossible but that the condition of the poor in great towns must be known to his noble Friend at the head of the commission. Then there was Dr. M'Farlane, who was a minister in a large town. The case of the great towns had certainly been attended to by the Government in appointing the commission. One great merit of the commission was, that the number of it did not exceed seven.

Subject dropped.

Their Lordships adjourned.

HOUSE OF COMMONS,

Monday, March 20. 1843.

MINUTES.] NEW MEMBER SWORN. John Salusbury Trelawny Esq., for Tavistock.

BILLS. *Public.*—2°· Indemnity.

Reported.—Mutiny; Marine Mutiny.

3°· and passed: Sudbury Disfranchisement.

Private.—1ª· Great Bromley Enclosure; Leeds Road.

2°· Leeds Gas; Glasgow, Paisley, and Greenock Railway; St. Helens' Waterworks; Glasgow and Three Mile House Road; Northampton Improvement; Edinburgh and Glasgow Union Canal; Hungerford and Lambeth Suspension Foot Bridge; Newport Gas.

PETITIONS PRESENTED. By Mr. Bodkin, from Tuam, Valentia, Balinasloe Union, and Galway, against the Irish Poor-law.—By Mr. C. Bruce, from Females in Halbeath Coal Mines, and from Clackmannan Colliery, against the Mines and Collieries Act.—By Mr. Thorneley, Mr. Brotherton, and Dr. Bowring, from Liverpool, Sabden Fould (19 Petitions), and from Thomas Hartley and Family, against the Corn and Provision Laws.—By Mr. Grogan, from St. Michan's, Dublin, against Local Vestries.—By Mr. Christopher, from Carmarthen, Grantham, Holbeach, Long Sutton, and Kirton-in-Lindsey against the Ecclesiasticel Conrts' Bill.—By Mr. V. Smith, from Northampton, against the New Bankruptcy Act.—By Sir J. Hanmer, from Crewkerne, Wolverhampton, Isle of Man, Horncastle, and Shenston, against the Union oi the Sees of St. Asaph and Bangor.—By Mr. Christopher, from Newton-upon-Trent, against any further Grant to Maynooth College.—By the Attorney-General, from a Law Society, for Removing the Courts of Law from Westminsterr.—By Captain Pechell, from the Wife of Lieutenant Forbes R. N., a Lunatic in Haslar Hospital, against deduction of Pay for his Support.—From Kendal, against the Government Scheme of Emigration from Africa to the West Indies.

EJECTMENTS (IRELAND.] Mr. *Sharman Crawford* rose for the purpose of putting a question to the noble Secretary for Ireland, of which he had given notice. It related to the ejectment of 225 families at Knockhall and Renefarna, but he had since understood that the property was not that of the Marquess of Westmeath, as he had supposed. He wished to know whether the police had been called in on that occasion, and whether the dispossessment had actually taken place, which he had seen noticed in several of the Irish newspapers?

Lord *Eliot* observed, that as the question had arisen out of what the hon. Member had seen stated in the newspapers, he might, perhaps, be excused for reading an extract from one of them as his reply. In the *Dublin Evening Post*, of March the 14th, he read as follows:—

"EJECTION OF TENANTRY.—Having copied the statement referred to in the subjoined extract from the *Roscommon Journal*, it is due to Lord Westmeath that we should now publish the contradiction:—We were misinformed with respect to Knockhall and Renefarna being the property of the Marquess of Westmeath. That extensive ejection of tenantry was carried into effect by a Roman Catholic landlord! However, we are delighted to learn, from a respectable gentleman in that neighbourhood, that Mr. Hanly, the newly-declared tenant, has humanely restored every one of the creatures to their former occupancy.'"

The only official report he had received upon the subject was from the inspector of police, which stated—

"On March 2, sub-inspector Blakeney, with thirty-two constabulary, attended, at the requisition of the sub-sheriff, on the lands of Knockhall, parish of Kilglass. The sub-sheriff took possession of houses and lands without any resistance on the part of the peasantry. On the next day the police again attended, when the sub-sheriff permitted them to return to their quarters, owing to the assurance of the persons to be dispossessed that they would offer no resistance, he finished his duty and met with no opposition. The persons dispossessed were immediately after put into possession of their holdings on attornment to their landlords."

He had no doubt of the correctness of the statement, and it would be recollected that it was the duty of the police to act on the requisition of the sub-sheriff.

POOR-LAWS (IRELAND).] Mr. *F. French* wished to be informed whether the report was correct, that 4000 armed men had entered Waterford, from a neighbouring barony, and had taken possession of the city, stating their determination to resist the collection of poor-rates, under the recent law? He regretted also to have to put another question to the noble Lord, founded upon a statement he had seen to-day in the newspapers, that a collector of poor-rates had been found with his brains beaten out by stones, but the amount of poor-rates he had collected untouched in his pocket?

Lord *Eliot* would read to the House two reports, one from the mayor of Waterford, and the other from the inspector of the constabulary to the Secretary for Ireland? The first stated—

"Waterford, March 13, 1843.

"Sir—I think it my duty to state, for the information of his Excellency the Lord-lieutenant, that a large number of persons (computed at about 1,000 men), armed with sticks, marched in this borough this day, at about two o'clock in the afternoon, apparently making a display of resistance to the payment of the poor-rates.

"I felt myself called upon, in consequence, to require the aid of the military force, under the command of Major Reid, of the 70th regiment, who promptly attended to my directions. No attempts at riot or disturbance, however, took place, and at this hour, half-past four P.M., I think they have all left the borough, and gone towards their respective districts.—I have, &c.

(Signed) "THOS. MEAGHER,
Mayor of Waterford.

"E. Lucas, Esq., Castle."

The second document was from the Inspector of police, and was to the following effect;—

Waterford, March 13th, 1843.

"I have to report that about the hour of two P.M., this day, a number of persons, amounting to nearly 1,000, who I am informed attended at a meeting in the barony of Gaultier, in the county of Waterford, from the barony of Middlethird in the same county, and from the county of Kilkenny, marched into this city, with a view of intimidating the authorities, no doubt, and all others favourable to the payment of the poor-rate. They were armed with large sticks and spade-handles, and kept up shouting as they moved through part of the town. This visit took all by surprise. The mayor (Thomas Meagher, Esq.) called out the military, and along with the high sheriff, Sir Benjamin Morris, J.P., and Simon Newport, Esq., J.P. together with the city constabulary, paraded the streets, but the intruders had disappeared before this manifestation could be made. There was no violence committed; a party of the city force is ordered by the magistrates to remain at the poor-house this night for its safety, and I shall keep up strong armed patroles during the night.

(Signed) "George Wright,
2d Sub-Inspector.

As soon as the Irish Government received this information, it despatched Mr. Fitzgerald, an experienced stipendiary magistrate, in order that he might put himself in communication with the magistrates. That gentleman had no doubt that he should be able to enforce obedience to the law, and he entertained a confident expectation that there would be no further resistance to the poor-law in that district. Another stipendiary magisstrate, upon whom the Irish Government also placed much reliance, had made a similar report, and his Lordship entertained little doubt that the accounts, to which the hon. Member had referred, were much exaggerated. As to the second question, he (Lord Eliot) had great satisfaction in stating, that there was no ground for believing that the report was true. He would not undertake to contradict it, but he would mention that no such distressing account had reached Government, although it had received reports from the immediate neighbourhood.

Knutsford Gaol.] On the motion that the Order of the Day for a Committee of Supply be read,

Mr. *T. Duncombe* said that it would be recollected that, on a recent motion respecting the conduct of a noble and learned judge, he had referred to certain transactions in Knutsford House of Correction. A few days afterwards the hon. Member for North Cheshire had given the most unqualified contradiction to his (Mr. T. Duncombe's) statement. To this statement, after making inquiries of certain parties, he had adhered, notwithstanding the contradiction of the hon. Member, and the right hon. Baronet the Secretary for the Home Department had consented to institute an inquiry into the conflicting accounts. In fulfilment of this promise he had sent Capt. Williams, the inspector of prisons, to Knutsford, and he arrived there on the 2d instant; and this morning he (Mr. T. Duncombe) had received a letter from the Rev. Mr. Brown, the chaplain of Knutsford House of Correction, asking him to lay his statement before the House of Commons, justly considering that the investigation instituted by the right hon. Baronet, besides being an inquiry by Government, partook also of the nature of a Parliamentary inquiry. It appeared that the Rev. Mr. Brown had been summoned before the prison inspector, and had subsequently found considerable reason to complain of the conduct of the magistrates. The statement of the chaplain was contained in the following letter, which, with the leave of the House, he (Mr. Thomas Duncombe) would read:—

"*Knutsford, March* 18, 1843.

"Sir—As you were the Member who brought forward in the House of Commons the conduct of the gaoler of the House of Correction, Knutsford, and obtained from the Secretary of State an inquiry into the state of that prison, I have to beg you will bring forward in the House of Commons the conduct of the magistrates towards me, the chaplain, for having spoken the truth to the inspector of prisons when I was on oath.

"On the arrival of the Inspector at Knutsford, on Thursday, the 2d of March, he sent for me to the George Hotel, where he was staying, and asked me several questions with respect to the Chartist prisoners and the general state of the gaol, which I answered in sincerity and truth. The magistrates met on Friday last, the 17th instant, and asked me several questions on the subject of my private interview with Captain Williams. I at first refused to divulge a private conversation. They then said, 'If you do not tell us what passed during the two hours you were with him, we shall consider it as a refusal to answer the questions of the magistrates, and shall deal with you accordingly.' They then asked if I did not tell the inspector in private that the gaoler had used these words, 'D—n these Chartists, I will give them a bellyful before I have done with them.'

"My reply was, that the inspector had asked me if I had ever heard the gaoler use violent language about them. I then stated to him the above language, which the keeper or gaoler had made use of to me when he had seen some of the Chartist prisoners who had complained of their food.

"Mr. Trafford, the chairman of the quarter sessions, said, why did not you report these words to the magistrates at the time they occurred? I answered, because you, sir, in April, 1830, in consequence of some misunderstanding having taken place between me and the gaoler, told me not to interfere in the discipline of the gaol, but confine myself solely to my spiritual duties, which I considered a prohibition to report that or any such language, or anything relating to the gaoler. After that order I made a note in my private diary on the day it was given. The letter addressed to me on the 3rd of February, 1843, by the gaol committee, desiring me not to put anything on my public journal with respect to the gaol discipline until I had first laid it before the gaol committee, which letter is in Capt. Williams's possession, will show that my construction of Mr. Trafford's order was correct. After sitting for some time in deliberation the magistrates sent for me, and Mr. Trafford told me that they had come to the determination of recommending to the quarter sessions to be held at Chester, on Monday, the 27th inst., to remove me. I asked what charges were against me? The answer was, none. No unfaithfulness in the discharge of my duties, no immoral conduct, nothing whatever; only that I had stated to the inspector of prisons what I ought to have stated to the magistrates. I again repeated I considered myself under restraint from the order given me by Mr. Trafford to confine myself to my spiritual duties. The magistrates replied it was absurd to consider such an order a prohibition. Mr. Trafford and Mr. Lloyd shortly afterwards observed to me, 'We find it impossible for you and the governor to go on together; we cannot part with him, out with you.' Mr. Lloyd added, 'If you were to remain, it would soon be no gaol at all.' This remark had reference to the inspector having had all restraint removed, and liberty was given to me to report to the nearest visiting justice any improper conduct of the gaoler or any other officer; both Mr. Trafford and Mr. Lloyd added, 'There is no imputation on your character, and no charge for your neglect of your duties.' I replied, 'I will write to the Secretary of State.' 'With that we have nothing to do.'

"When the magistrates met on the 24th of February last, and took the depositions of some of the Chartist prisoners, which they forwarded to Mr. Tatton Egerton, as the ground of his statement in the House of Commons, they never called me; if they had done so I would have stated to the magistrates the words I stated to Captain Williams. Why they did not call me is best known to themselves.

"I have been thirty years in the Church, and some time officiated as chaplain to a garrison.

"By the next post I will forward to you testimonials from the magistrates, from the surgeon, and the gaoler in my favour, when I was candidate for the Pentonville Prison chaplaincy.

"Your obedient servant,
"W. BROWNE,
"*Chaplain Knutsford House of Correction.*"

He now called upon the right hon. Baronet the Secretary of State for the Home Department, to say whether a chaplain of a gaol, who had been for thirty years a member of the Established Church, against whose character there was not the slightest complaint, who, according to the magistrates' own account, had faithfully discharged his duty, and who, in obedience of that duty, had given information to the inspector of prisons sent down by the Government, ought to be visited by the displeasure of the magistrates, and, at a Court of Quarter Sessions to be held on the 27th inst., should be removed? It was clear, however, that by this falling out between the gaoler, magistrates, and chaplain the public would really get at the truth; and, if he had heard correctly, the magistrates would have reason to regret that this inquiry had been instituted, and that the statements he (Mr. Duncombe) had originally made would be mainly borne out. The right hon. Baronet the Secretary of State, who had charge of the prisons, was bound in duty to preserve this chaplain from the anger of the magistrates, and see that he was not displaced.

Mr. *Tatton Egerton* said, that the magistrates were quite as anxious as the hon. Member that the truth should be known. They had intimated to their chaplain their disapproval of his conduct, because, being the officer of the gaol, he had not communicated to them what had passed in the gaol, which they looked upon as a violation of the confidence that ought to subsist between them and their officers. It appeared that during the last two or three years the chaplain had been in the habit of keeping private memoranda of what passed in the gaol. He should think that the House would expect such to be communicated to the magistrates, for unless it were made it would be impossible for the visiting magistrates to have accurate evidence of what passed in the gaol. [Mr. *T. S. Duncombe*: The magistrates prohibited him from making communications.] He could not conceive that any officer of the gaol could think that it was his duty to withhold such communications. The moment after Captain Williams had left they made the inquiry; they were only anxious that the truth should be known; he understood that the inspector's report had been received at the Home Office that morning.

Sir *James Graham* thought the complaint of the hon. Member somewhat premature. Immediately after the hon. Member's statement on a former evening, an inspector of prisons had proceeded to Knutsford. The inspector did institute a searching inquiry, but his report had not yet been seen by him (Sir James Graham). It had been left at the Home Office, but on the request of Captain Williams, it had been forwarded to him for revision. He was not, therefore, in possession of the report, and he thought that the complaint of the chaplain was premature, inasmuch as it was his intention to lay the report upon the Table of the House. It was also, he conceived premature because the power to deprive him of office was not vested in the justices or in the visiting justices, but in the Court of Quarter Sessions, which had not yet met. They were, therefore, only discussing the apprehensions of an officer, which might be more or less well-founded, but still they were only apprehensions; it rested with the majority of magistrates at quarter sessions to say whether the removal should take place or not. The hon. Member had supposed, erroneously, that he (Sir James Graham) had a control over the election or removal of an officer. The power was absolutely vested by law in the Court of Quarter Sessions. Till he had come into the House he did not know of the complaint of the chaplain.

Order of the Day read. On the question that the Speaker leave the Chair,

THE GOVERNOR OF ST. KITT'S.] Sir *Charles Napier* rose to ask the noble Lord the Secretary for the Colonies a question. The noble Lord had received several reports of the transaction in which the Governor of St. Kitts was involved to which he had referred the other evening; and he wished to ask whether those reports bore out the statement he had made in the House? He was induced to ask this, because, by the statement made by the noble Lord the other evening, it seemed as if the noble Lord wished it to be understood that a lady was in the boat when the circumstance took place. Now, the lady was not in the boat; she had been carried on board, and returned to England in bad health.

Lord *Stanley* said, that this was very much like asking him what his opinion was upon the case. The governor had been on board the steamer in consequence of a lady who was in ill health being there; but he believed it was quite true that she was not in the boat when it was returning from the steamer. He should be quite prepared to lay the information before the House as soon as Mr. Conyngham had had an opportunity of making any explanation he might wish; and in order that there might be no inconvenient delay, as Mr. Conyngham had made a statement to the directors containing a complaint against the officer, he (Lord Stanley) had desired a communication to be made to Mr. Conyngham's father, to know whether he was satisfied with that complaint, without making any further inquiry from his son, and if he was, the papers would be laid on the Table forthwith.

PROGRESS OF THE ESTIMATES—EXCHEQUER BILLS.] Mr. *William Williams:* Before the House went into committee, he must complain of the haste with which the estimates were to be passed, those now to be discussed having been delivered only on Friday and that morning.

Mr. *Hume* begged to inform the Government that he had no objection to passing the vote for Exchequer Bills and the Commissariat, but he could not agree to the immediate progress with the vote for Civil Contingencies.

Mr. *William Williams* thought the right hon. Gentleman had better propose one vote for the whole sum required, than carry on such a farce as this. He desired to know at what rate of interest the new Exchequer Bills were to be issued. He hoped also that the House would not vote away the public money, unless they were assured that the taxes now in existence were sufficient to pay this vast amount of expenditure. He supposed that as the right hon. Gentleman had now received six months of the Income-tax, he would tell whether he had or had not the means, with the existing taxes, to pay the expenditure; and, if he could not, the House ought to wait till the Budget was before the House.

The *Chancellor of the Exchequer* replied, that the Exchequer Bills would be issued at an interest of 1¾*d.* a-day. The hon. Gentleman had asked whether the money already supplied would pay the charges already voted. Now, as far as the 11,000,000*l.* or 12,000,000*l.* already voted, the revenue was ample to meet it. The appeals under the Income-tax had caused considerable delay, and he, therefore, was not able to give the hon. Member any information as to the exact amount of the tax.

Dr. *Bowring* said, that the civil contingency estimates extended over fifteen pages, which were all details, and it was rather too great a tax, even on the forbearance of the Opposition, now to press them.

Mr. *W. Williams* observed, that the right hon. Gentleman had stated to the House that he meant to issue the Exchequer Bills at the interest of 1¾*d.* per day, which was 2¾ per cent., whilst money in the market was not worth more than 1 or 1½ per cent. He would ask, what were the circumstances of the country which required 1¼ per cent. more to be paid for money borrowed by the public than money raised by private individuals? Exchequer Bills now bore a premium in the market of 70*s.*, or 3½ per cent. That was the premium of the day, and it was equal to one-and-a-quarter year's interest. The circumstances of the money market did not warrant the right hon. Gentleman in entertaining the slightest alarm, besides he had always the power of raising the interest on Exchequer Bills, a most improper power, as he (Mr. Williams) thought, to trust with any Chancellor of the Exchequer, and he had no power of decreasing the interest; at any rate, he did not recollect that it had ever been exercised. He had no doubt if the Chancellor of the Exchequer issued the bills at the rate of 1¼*d.* a-day, he would have no difficulty in obtaining the amount required. It was most unjust towards the people to waste the public money, by giving so much more interest for money borrowed on public securities than was given by private individuals. If the right hon. Gentleman, or any one on the Treasury benches, wanted to raise money, or to make a purchase on their own account, they would not give more than the fair market price for what they required; and why should they not act in the same way for the public? He would like the right hon. Gentleman to show him the necessity for paying 2¾ per cent. when the market price was not more than 1 or 1½ per cent. He had been told by one of the largest merchants connected with the trade of London, that he had 100,000*l.*, for which he could not get more than 1 per cent. As the amount to be saved was very large, the right hon. Gentleman was bound to clear up the matter to the satisfaction of the House.

The *Chancellor of the Exchequer* said, it was imagined, because upon a particular occasion money could be obtained temporarily at 1 per cent, that the Exchequer Bills could circulate at that interest. With all deference to the hon. Gentleman's knowledge in matters of this description, he must say, that in regulating the interest on Exchequer Bills, they were not able to take the rate from a reference to a particular time or to the temporary circumstances of the market. In one week, in the City, the rate of interest might vary from 1 per cent. to 2½ or 3 per cent., and they would be involved in perpetual difficulty by adopting the lowest amount of interest for the moment in the market. The hon. Member must consider that the price of the funds gave 3⅛ per cent. interest; and although he admitted that it was the duty of the Government to avail themselves of every favourable opportunity to reduce the interest on Exchequer Bills, according to circumstances, yet he could not agree that they should make any reduction hastily and rashly, without considering all the facts which were calculated to affect the general rate of interest. He had been told the other day, by a gentleman connected with banking in the City, that money might be had for nothing. Of course, the meaning of that was, that money accommodation could be had at a very low rate of interest. But he did not think Government could avail itself of such a state of the money market without introducing the greatest confusion.

Lord *John Russell* objected to going into the miscellaneous estimates that night, some of them having been delivered only on Friday, and the others only that day. Many were arranged in a different way, and connected with different portions of expenditure from what they were formerly; and it did appear to him, that taking these two things together, they were proceeding too rapidly. He must observe, also, that the course which he used to adopt when he held office was now departed from. The course which he (Lord John Russell) had been accustomed to take, was always to give notice in the votes of the particular orders which he proposed to proceed with. He was desirous that it should be stated upon the paper that certain orders of the day would be taken before the other orders.

Sir *Robert Peel* said, it appeared on the notices that his hon. Friend, the Secretary of the Treasury, Sir George Clerk, would move the Exchequer Bills, the commissariat estimates, the civil contingencies, and the miscellaneous estimates, in committee of supply; and, as there was none but Government business on the paper, he thought it might be inferred that they would be taken first. However, he agreed with the noble Lord that it would be better to follow the course which he had suggested ; and he would take care that that course should be pursued for the future. He believed that the order in which the estimates would be taken had been stated on Friday. The civil contingencies, he believed, had been delivered on Thursday morning. He proposed first to take the Exchequer bills, then the commissariat estimates. To that he imagined there would be no objection. He then proposed to go on with the civil contingencies, and if any objections should be made to going on with the other estimates he would not press them.

Mr. *Hume* had no objection to going on with the Exchequer bills and the commissariat estimates; but, with regard to the civil contingencies, they contained so many items many of them new, that he should certainly object to going on with them until further time had been given for their consideration.

Sir *Robert Peel* said, that the estimates for the civil contingencies had been in the hands of the hon. Member ever since Thursday morning.

House in Committee of

SUPPLY.—EXCHEQUER BILLS.] Sir *G. Clerk* moved, that a sum not exceeding 18,182,100*l.* be granted for the payment of the Exchequer bills issued in 1842, and which yet remained unprovided for.

Mr. *Hume* wished to know if the Chancellor of the Exchequer was prepared to state whether, in renewing these bills, he intended to make any alteration in the rate of interest of the bills for which this money was to be voted; and whether he intended to make any alteration in the rate of interest of the bills which were to be issued for the future.

The *Chancellor of the Exchequer* said, that the present vote was to make good the exchange of Exchequer bills which had been voted during the course of the last Session of Parliament. Other bills would be provided for in a committee of ways and means, at a subsequent period of the Session, in the month of June. To undertake to say three months beforehand what the rate of interest would be in June, was a proceeding which no man, having charge of the financial concerns of the country, could possibly undertake. The interest of money three months hence might materially alter, and it must be left to the rate of interest at the time of the exchange to determine what the rate should be.

Mr. *Hume* wished to know whether the right hon, Gentleman paid the same interest to the Bank of England for deficiency bills as he did to the public viz., 2*d.* on all bills.

The *Chancellor of the Exchequer* said, that the interest on the Exchequer bills issued in June, was 2*d.*, and on those issued the day before yesterday 1¾*d.*. The interest given to the Bank on deficiency bills was the same as that given to the public, it was 2*d.* ; but when the new bills were issued no doubt the Bank would conform to the general rate.

Mr. *William Williams* said, that the statement of the right hon. Gentleman, that he had given interest at the rate of 2*d.* and expected to give it at the rate of 1¾*d.* to the Bank of England on the deficiency bills, astonished him. He had never known the same rate given except under great pressure. If the right hon. Gentleman sold the Exchequer bills to the public, he got money in exchange ; whereas if he went to the Bank of England with deficiency bills, instead of obtaining money, as he did from the public, he got only notes, printed at a cost, as he (Mr. Williams) had once stated, of only 1½*d.* for a 1,000*l.*, and an hon. director had laughed at him for estimating the cost so high. He was sure that if the right hon. Gentleman had made a proper bargain with the Bank, he could have obtained any amount, in exchange for deficiency bills, at 1¼*d.* a day, and he might have disposed of Exchequer bills to the public at the same rate. He would like that the right hon. Gentleman should show him how the public interest could suffer by lowering the rate of interest on those bills. It was not now, as it used to be, that Exchequer bills could be paid into the Exchequer for taxes; they could not be now so paid till they were due. Therefore, the public service would not suffer in the slightest degree by issuing Exchequer bills at a lower rate of interest. It was due to the public that this saving should be made, and he could not conceive why the right hon. Gentleman should give advantages to the money market which were quite uncalled for. Exchequer bills possessed a great advantage over funded property. The capital of Exchequer bills was at all times the same, whereas the amount of the funds was constantly varying. To-day they were at 97, and they had come down in 1825 and 1826 to 87. Exchequer bills on the contrary, were always paid in full. The reason why the interest on funded property was larger than on bills of exchange was, that the bills of exchange were of a certain amount: they paid the amount which they bore on the face, and were a full security. The right hon. Gentleman, however, had not answered the question he had put to him, namely, why he now proposed to issue Exchequer bills at this high rate of interest, when they bore in the market a premium equal to the interest for one and a quarter year. It was apparent that he was not making the bargain for the public which he ought.

The *Chancellor of the Exchequer* would answer the hon. Gentleman by reference to his own argument. He had said, that in the Three per Cents. the interest which was now given would be a proper rate; because a person who embarked 100*l.* in those funds might lose a part of his capital by the depreciation of his capital; and then the hon. Member had gone on to say that Exchequer bills were now at a premium, being sold for 103*l.* 10*s.* But did not the hon. Gentleman see that the value of Exchequer bills might also be depreciated by the diminution of the premium upon them, and that a party who held such securities might sustain loss, just in the same manner as a holder of stock in the Three per Cents. If a high rate of interest was necessary in one case, therefore, it must be admitted, though perhaps the argument was not equally strong in both cases, that it was requisite in the other. All that he could say was, that having considered this question most anxiously, he had made that reduction which in the present state of the credit of the country he had thought it fit to make, but that he did not think that he should have been justified in sanctioning an arrangement which would have caused any considerable alteration in the prices.

Mr. *W. Williams* had no doubt that in the existing state of things the right hon. Gentleman could issue as many bills as were necessary at 1¼*d.* or 1½*d.* at most, and that a saving of 150,000*l.* might be effected, without any prospect of injury to the public credit.

Mr. *Divett* thought that the object of the right hon. Gentleman must be taken to be to preserve a uniform rate of interest. It was said that money could be had at a less rate than that which was now paid; but if the right hon. Gentleman were to attempt to deal with the market in the manner proposed, a variable rate of interest would be established, and inextricable confusion produced.

Dr. *Bowring:* The question was whether, in the present state of the market, and with the increasing unwillingness of mercantile men and manufacturers to employ money in speculation or production, the time was not come when the interest ought to be reduced. It appeared to him, he confessed, that the Government might have reduced the rate of interest considerably below that at which it now stood.

Mr. *Hume* thought that this was not a question upon which any doubt could exist, and he had been surprised that the hon. Member for Exeter should have exhibited so much ignorance on the subject. He believed that at the present time the amount of deposits in the Bank of England, exclusive of bullion, was from 8,000,000*l.* to 10,000,000*l.*: and this vast sum of money was waiting for employment. In the existing state of things, it was impossible to expect that commercial matters would revive; and with an amount of capital so large disengaged, he thought that the right hon. Gentleman paid too much interest. It was the duty of the Government to obtain their money in the cheapest market, especially considering the distress and the extraordinary taxation under which the country was labouring.

Vote agreed to.

Sir *George Clerk* moved that the sum of 191,045*l.* be granted for the expenses of the commissariat department. He was happy to inform the committee that in this department a saving of 9,864*l.* had been effected, the vote of last year having been 200,919*l.*

Mr. *Hume* was glad to perceive that the expenses of this department were reduced, but he thought the diminution too small. He could not account for the large expenditure of money in the colonies; and unless our expenditure were largely diminished, the country would be placed in a serious position. The present expenditure was altogether unjustified; we were running riot in our poverty; and the only remedy to which he could look with any hopeful anticipations, was a finance committee to inquire into and check our expenditure.

Sir *R. Peel* did not justify the estimates upon any ground of the flourishing condition of the country; nor did he think that the fact of such a state of things existing could justify an extravagant expenditure. He went further than the hon. Member, and affirmed that whatever were the condition of the finances, that could not justify keeping up a single man more than was wanted. It must, at the same time, be admitted that an establishment, such as this country was compelled to maintain, could not be always reduced concurrently with the existence of distress. The total amount of the military force of this country, exclusive of the army of the East Indies, was 95,000 men; but with this force rested the protection, not only of the British, but of our colonial empire. Our regular army in all our colonies, exclusive of India, was less by 10,000 men than that retained by France in Algeria alone. A military force must be maintained for the defence of colonies. Let them take the case of Australia, and of the other colonies added to our empire within the last thirty years, and let them compare the present amount of our force, and that which we maintained thirty years ago. The hon. Gentleman had alluded to the subject of a finance committee, but he did not see the advantage to be derived from an inquiry before such a body; and was of opinion that the governors of the various colonies must be better able to form a judgment of the necessity of maintaining military force than such a committee. The colonial committee of 1834 had been unable to suggest any reduction in our colonial establishments, and he thought that the same result would attend a like inquiry at the present time. Independently of other considerations, a certain amount of force was necessary to maintain the system of reliefs. The establishment of this year in other respects was not greater than was required. The hon. Gentleman the other day had suggested the immediate reduction of the naval and military forces of this country in China. He (Sir R. Peel) had said at that time that he did not feel justified in placing implicit reliance on the good faith of our new allies, and recent events had shown that it was wiser to incur a slight additional expenditure rather than run the risk of losing that advantage which had been gained by force of our arms.

Mr. *Hume* said, that the right hon. Baronet was mistaken in the observation which he had last made, for in what he had said he had distinctly excepted China from the rule which he had endeavoured to lay down in other cases. The number of men employed in that part of the globe however, was only 3,102 out of the 45,000 men, devoted to our colonial possessions. He complained of the large forces uselessly maintained in the Mediterranean and in Canada; and he thought that the right hon. Baronet had admitted the weakness of his own argument when he had resorted to Algeria as a case in point.

Mr. *F. T. Baring* was glad to see a reduction made in this vote, and made no objection to the amount. He thought that the maintenance of an efficient commissariat was highly necessary, for without such a body, there could be no check on the expenditure of our colonies. He approved of the method in which the present estimate was prepared, and expressed a hope that the estimates of the War-office would be similarly arranged.

Lord *John Russell* saw no reason to offer any objection to the amount of force proposed to be taken for the ensuing year, nor to the expenditure of the year in this respect. Considering what had taken place, and the late termination of the war with China, he thought that the Government could not properly have asked for a smaller amount than that which was proposed.

Mr. *W. Williams* complained of the large amount of the army, which was 13,000 men more than it was in 1832.

Mr. *Bernal* did not think the army too

large, considering the important station this country held in the world, and our extended colonial possessions. Nor was it fair to charge those who supported the present establishments with being indifferent to the sufferings of the people.

Vote agreed to.

On the question that 47,945*l.* be granted for the half-pay and pensions of the commissariat department.

Sir *G. Clerk* said, that the next vote which he had to propose was for the civil contingencies. As the papers relative to these estimates had only been distributed on Saturday, if it appeared to be the feeling of the House that sufficient time had not been given for the consideration of them, he would not press them. He would only state, that in preparing this vote he had endeavoured to carry into effect the wishes of hon. Members expressed last year. He had prepared, which was printed, an abstract, comparing the proposed expenditure of the present year with that under this head in former years. The vote which he had to propose was nearly the same in amount as that of last year. He should have previously observed, that he had removed from the vote for civil contingencies all those charges which were of regular occurrence. The vote last year was 130,000*l.*; the vote he had now to propose was 110,000*l.* This difference, however, did not arise from any material reduction in the vote; for, in the first place, there was the sum of 10,000*l.* left unexpended last year, and there was the further amount of 10,000*l.* transferred to other heads of permanent expenditure.

Mr. *Hume* said, though the explanation of the hon. Member was satisfactory, yet there were a number of items in the vote which before he had not an opportunity of seeing. The vote comprised between forty and fifty items, some of which he thought would require further explanation, and, therefore, all he desired was sufficient time to be prepared to ask for those explanations. He observed there was one item of 2,500*l.* for the preparations for the christening of the Prince of Wales, 500*l.* being for changing his Royal Highness's Coat of Arms. There was, further, a charge for the consecration of the five colonial bishops, besides some expences incurred on account of the Bishop of Jerusalem. These required some explanation, and he would, therefore, move that the chairman report progress, and ask leave to sit again.

Sir *R. Peel* said, that when, on the occasion of a large sum of money being voted, any hon. Member stated *bonâ fide* he had not had an opportunity of looking into the items, he thought it was the duty of the Government to give way to the wishes of those hon. Members who, like the hon. Member for Montrose and the hon. Member for Coventry, devoted so much time to the examination of the public expenditure. He was unwilling unduly to press forward the estimates, though he regretted the hon. Member was not prepared to go on; but as the hon. Member stated he had not had a full opportunity of considering these items of expenditure—for they were not estimates—seeing that the House had already agreed on the propriety of the army, the navy, and the ordnance estimates—seeing that there was no disposition to a factious opposition—he would advise his hon. Friend to defer to the wishes of the hon. Member. But the hon. Member for Montrose had referred, among other items, to that for the christening of the Prince of Wales. With regard to that item, he hoped the committee would bear in mind that the expense had been incurred for a special and particular occasion, that a strong wish had been expressed by all classes that the christening should take place in one of the sacred edifices of the country, that the ceremonial was graced by the presence of his Majesty the King of Prussia; and he (Sir R. Peel) could only say that the civil list had borne a very large portion of this unforeseen expenditure, and therefore he trusted the committee would think that, in conformity with precedent, the other portion ought to be borne out of the civil contingencies. He would not enter into further details, but recommend his hon. Friend to take some other evening for these votes, which he was sure the more they were examined the more they would be found to be consistent with economy.

Mr. *W. Williams* while he admitted the perfect fairness with which the right hon. Baronet consented to postpone these votes, must say that the estimates already passed had been unduly hurried forward. Since he had had a seat in that House, he had never known the estimates brought forward and gone through at so early a period as in the present Session. With respect to these civil contingencies, he had so little expected them to come on this evening that he had not come prepared even with the papers.

Sir *R. Peel* had already said, that if the hon. Member thought he could approach the consideration of these matters with more satisfaction to himself by a postponement, he would not press them. But the hon. Member complained of the haste in which the other estimates had been hurried forward. Now, he (Sir R. Peel) thought, that when the Government proposed perfectly reasonable estimates and took the House by surprise by the extent of their reductions—when, in fact, there was a general acquiescence in them, the hurry or haste in which they were got through did not arise from any precipitancy on the part of the Government, but from the universal consent to the Government propositions from both sides of the House.

Mr. *Hume* said, so far from being contented with the reductions in the expenditure which had been made, he should have moved in many instances still further reductions; but seeing the support the right hon. Baronet had, he, for one, had given up the notion of fighting them.

House resumed. The committee to sit again.

Coast of Africa — Expense of Colonies.] House in committee on the Coast of Africa Bill.

Mr. *Hume* protested against the Government proceeding hastily to form an establishment on the western coast of Africa. Before this was done some plan ought to be laid before the House.

Lord *Stanley* said, the object of the bill was to carry out the recommendations of the committee of last year, by the establishment of competent tribunals for adjudication in the cases of seizures under the slave-trade treaties. It was, however, not the intention of the Government to take more for the establishment than had been voted in the estimate.

Mr. *Hume* suggested, that it would be a great improvement in the management of colonial affairs if the colonial expenditure was brought annually before the House. In short, he thought there ought annually to be a colonial budget, an Indian budget, and a Treasury budget. At present it was impossible to ascertain what the vast colonial possessions of Great Britain cost this country.

Lord *Stanley* remarked, that it would be practically impossible to submit to Parliament any budget with reference to the colonies. For some colonies, for instance, he, as colonial Minister, might be called upon, if the proposition of the hon. Member for Montrose held good, to state its financial position this year as applicable to the years 1844 or 1845. That was a difficulty he would not undertake to meet.

Mr. *W. S. O'Brien* thought the noble Lord at the head of the Colonial Department would do well to exact from the governors of the colonies an annual report of the state and management of the finances of each, in order to lay the same in a blue book every year before the House. With regard to the bill now under consideration, it gave unlimited power to the Government, while at the same time it was impossible to see what was the nature of the settlement to be raised. He hoped the noble Lord would not object to the insertion of a clause limiting the operation of the bill.

Lord *Stanley* had no objection to adopt a limitation, but thought the bill had better stand in its present form. With regard to the production of blue books of governors' reports, as suggested, he could only say the plan, if carried out, would load the Table with a mass of matter which, while useless, would involve a vast expence in printing. Again, a colonial financial statement in that House would be calculated to excite a jealousy in those colonies which already had Legislatures of their own, inasmuch as they might object to the revision by the House of Commons of the financial proceedings of their own representatives.

Mr. *Tufnell* concurred with the noble Lord in the opinion, that the production of the whole of the blue books would be useless, but there were many financial returns—from Ceylon, for instance—from the colonies, which he thought ought to be laid before Parliament.

Mr. *Ewart* agreed in thinking the self-governing colonies ought to be left to themselves with reference to the management of their financial matters; but with respect to those of the colonies which had not Legislatures of their own, he contended their financial arrangements ought to come under the review of Parliament. With regard to the suggestion of the hon.

Member for Limerick, he thought no term of years ought to be adopted; but that Parliament should retain the option to recall the powers conferred under this bill at any time they pleased.

Lord *Stanley:* The Government would be quite content to leave the authorities under the bill as tenants at will.

Bill went through committee.

SLAVE TRADE—BOUNTIES.] Sir *G. Clerk* moved, that the report on the Slave-trade (Payment of Bounties) Resolution be received.

Captain *Pechell* inquired, first, whether the tribunals by which vessels taken were to be tried, were to be under a mixed commission, or under the Admiralty Court; and, next, whether it was under this bill intended to give the bounty of 4*l.* on the tonnage of every vessel seized, but not containing slaves, though equipped for the Slave-trade; and, further, whether the bounty of 2*l.* 10*s.* per ton would be paid upon all vessels seized and broken up.

Sir *G. Clerk* replied, that the tribunals by which vessels so seized would be condemned depended upon the treaties entered into on the subject of the Slave-trade. According to two of those treaties, the tribunals would consist of mixed commissions, and by the third the Admiralty Court. With regard to the bounty on tonnage, it was unnecessary to make any provision on this bill, because the statute 1 and 2 Victoria, chap. 47, gave power to the courts to grant such bounties.

Report agreed to.

THE MINT—COINAGE.] Mr. *Hume* moved for,

"An account, in detail, under separate and distinct heads, of the manner in which the sum of 32,200*l.* sterling, voted in the miscellaneous estimate (No. 6) for the year ending the 31st of March, 1843, was expended; stating the amount paid to each salaried officer for the year, and showing the total charge for the Mint establishment for the year; also, the amount received by each of the officers from the Government, and from individuals, for duty performed by those officers in their various departments during the same period; and stating also the charge for each assay, and the aggregate amount received at the Mint for assays within the year; also the charge for melting; and the aggregate amount received in the year for melting; and stating the portion of these charges which have been brought to the account of Government, and the portion paid to the officers of the Mint, and the amount to each."

He wished to know if there was any objection to the return.

Mr. *Gladstone* objected to the return, as it would be of no advantage to the public. The officers of the Mint had the privilege, when not engaged in the public service, of earning private emolument.

Mr. *Hume* said, they did this from the materials afforded them by the public. He complained of the amount Mr. Mathieson, of the Mint, had received for the assay of the Chinese silver as exorbitant.

The *Chancellor of the Exchequer* said, considering that Mr. Matthieson had to furnish the materials for the assay, as well as the labour, and care, and skill, his payment was only reasonable.

Mr. *Gladstone* proposed to omit all the words, after the word Government so as to exclude "individuals."

Mr. *Hume* persisted in his motion, the House divided; on the question that the words proposed to be left out, stand part of the question:—Ayes 15; Noes 39: Majority 24.

List of the AYES.

Barneby, J.
Blewitt, R. J.
Duncan, G.
Ewart, W.
Fielden, J.
Forster, M.
Gill, T.
Hatton, Capt. V.
Heathcoat, J.
Morison, Gen.
Pechell, Capt.
Ross, D. R.
Stanton, W. H.
Thornely, T.
Yorke, H. R.

TELLERS.

Hume, J.
Bowring, Dr.

List of the NOES.

Acland, Sir T. D.
Arbuthnott, hon. H.
Arkwright, G.
Baring, hon. W. B.
Baskerville, T. B. M.
Buckley, E.
Chetwode, Sir J.
Escott, B.
Flower, Sir J.
Fuller, A. E.
Gaskell, J. M.
Gladstone,rt.hn,W.E.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grimsditch, T.
Grogan, E.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hope, G. W.
Knatchbull,rt.hn.SirE.
Lincoln, Earl of
Mackenzie, W. F.
Manners, Lord J.
Maxwell, hon. J. P.
Nicholl, rt. hon. J.
Northland, Visct.
Patten, J. W.
Peel, rt. hon. Sir R.
Polhill, F.
Pringle, A.
Rushbrooke, Col.
Sutton, hon. H. M.
Tennent, J. E.
Tollemache, J.
Trench, Sir F. W.
Vivian, J. E.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

Main question as amended agreed to.

House adjourned at a quarter past 8 o'clock.

HOUSE OF LORDS,

Tuesday, March 21, 1843.

MINUTES.] BILLS *Public.*—3ᵃ· and passed:—Punishment of Death.

Private.—1ᵃ· Hull and Selby Railway.

2ᵃ· Nottingham Lighting.

PETITIONS PRESENTED. By the Earl of Bandon, from Brinney, and Desertmore, against the Irish Poor-law; and from Innoshannon, for Repeal of the same.—By the Earl of Galloway, and the Bishops of Lincoln, and Ripon, from Craven Heptonstall, Worcester, Eton, Chester, and Northampton, against the Union of the Sees of St. Asaph and Bangor. — From St. Asaph, and St. George's, Camberwell, for Church Extension.

PRIVILEGE — LORD LYNEDOCH — THE MORNING CHRONICLE.] Lord *Brougham* said he would not interrrupt their Lordships for any length of time, but his attention having been called to a somewhat singular publication of a noble and gallant and much esteemed, and, he might add, venerable Friend of his (Lord Lynedoch) in one of the public newspapers, and as that publication was not quite correct, he should state what were the facts, in order to show the extraordinary, the unaccountable, and utterly ridiculous falsehoods which some persons, for their own purposes, had thought fit to publish upon this subject. It was the more necessary for him to mention this, inasmuch as he was determined—inasmuch as he had made up his mind—to trace out the author of the falsehood, and call upon the House to exercise the undoubted privilege of Parliament upon those publishers of newspapers, who dared to print and publish most absurd—though utterly absurd, ludicrously absurd, yet most scandalous falsehoods—in this case a falsehood evidently invented by some malignant creature, with a view of lowering the character of two noble Members of their Lordships' House, and of producing a personal quarrel between them. Of that there was not the least doubt; and as Mr. Canning, in similar circumstances, had caused the printer of a scandalous publication to be brought to the Bar of the House of Commons, so it was his fixed determination to follow that example if he could on the present occasion. He had, for the last twenty-five or thirty years, abstained from ever taking such a course; but he now found, that waiving the privileges of Parliament did not cause them to be respected, that giving impunity to the press, had not conferred any benefit either on the press or the public, and that no benefit could be conferred by observing this abstinence any longer; he was therefore resolved, for one, to try whether the exertion of the privileges of Parliament would be beneficial or not. Having stated so much, which was all that it was necessary for him at present to do, until he should have traced out the author of the slander, which he was now engaged in doing, he would now call their Lordships' attention to the published account of what was said to have occurred between him and his noble and venerable Friend. The noble and learned Lord here read the article of which he complained, as follows:—

"Stratton-street, March 16, 1843.

"Lord Lynedoch requests the editor of the *Morning Chronicle* to publish the accompanying version of a passage of a speech made by Lord Brougham in the House of Lords, on the 9th of February, corrected and sent to Lord Lynedoch by Lord Brougham himself. Lord Lynedoch would have published it earlier, had not Lord Brougham undertaken to read the corrected copy in his place in the House of Peers, but having neglected to do so, Lord Lynedoch is obliged to have recourse to the public press. Lord Lynedoch is not a member of the Anti-Corn-law League, though a sincere advocate of free-trade."

His noble Friend then published what had been said by him in the course of a former debate. The fact was this, he undertook to state in his place in the House of Lords what his noble Friend wished him to state, namely, that his noble Friend was not a member of the Anti-Corn-law League. He had stated that he supposed, or believed, that his noble Friend was a member of the League, which was the only statement he on that occasion made himself, and which was, consequently, the only thing any man could call upon him to explain or contradict. All he said about the siege of San Sebastian was not from himself, but a ridiculous extract from something which some member of the Anti-Corn-law League had talked about the massacre at the storming of Salamanca, when there was no siege, no storming of Salamanca, and, consequently, the statements of the Anti-Corn-law member could not be true; but he said, that he supposed what had been said by the member of the League had a reference to another siege, without naming it—for he did not name it—by a noble and gallant Friend of his, who was, he believed, a member of the Anti-Corn-law League, it having been in consequence of, and in connection with an Anti-Corn-law meeting that the alleged storming of Salamanca was mentioned. There was no more foundation for the alleged storming and massacreing men, women, and children, for three days and nights, at the siege of St. Sebastian, than at the storming of Salamanca, save and except that there was a siege at one place, and not a storming at the other; and that was what he stated. There was no one less capable than his noble and gallant Friend, Lord Lynedoch, of allowing his troops to commit any excess. That was his (Lord Brougham's) opinion at the time he spoke, and it was his opinion still. He would now beg to state, that before he heard of any complaint on the part of the noble Lord, and the moment he heard that the noble Lord was in town, and that he was told there had been a misstatement in the papers of what he had stated, he directed a copy to be made from *Hansard's Debates* of what he had really said, and sent to the noble Lord. Subsequently he was asked, by his noble Friend Lord William Russell, to state in the House of Lords what he had really said, as his words had been misrepresented in the newspapers; and, above all, his noble Friend wished him to state that Lord Lynedoch was not a Member of the Anti-Corn-law League. But in the meantime, and before he had an opportunity of doing so, there came up from Edinburgh a paragraph (as if from authority), purporting to be taken from a letter received from London, stating that there had been an hostile message sent to him by Lord Lynedoch, and that in consequence of that message he had retracted what he had said, which was a thing not very likely for him to do; but not more unlikely for him to do than for his noble and gallant Friend to send a hostile message. Anything more impossible, or more absurd than such a statement could not be, considering the great age and consequent physical inability of that noble Lord, who was upwards of ninety-five years of age, and incapable from blindness of writing a single line. A greater falsehood never crossed the lips of man, or forced itself into print. Nevertheless, this was not only stated once, but, after a contradiction it was persisted in by the author of the slander. The letter written by Lord Lynedoch, and which was called a hostile message, was not only perfectly polite, but full of kind and friendly expressions towards him. The noble and gallant General used the kindliest and friendliest expressions towards him, but begged that some contradiction should be given to the report in the newspapers, which his noble and gallant Friend was quite certain was not a correct version of what he had said, and a statement made that his noble Friend was not a member of the Anti-Corn-law League. And that was what was called a hostile message. Before he received any message at all, or had been called upon to give any contradiction, he had written what it was he really had said; and that hostile message was neither more nor less than one of the most friendly mentionings of him that he had ever seen. In every one point of view, therefore, anything more utterly ridiculous, he would say, were it not malignant, or, rather, despicable, and hateful, and execrable—anything more thoroughly ludicrous than that his most noble, gallant, and venerable Friend, whose age and infirmity were known, should have sent to him a hostile message, was never before conceived or uttered. The grossest exaggerations of this simple fact had reached various quarters and had been eagerly seized upon. It was first printed in a Scotch paper, and was then copied into the London papers by the editors, no doubt for their own purposes. He deemed it, therefore, his duty to say what he had already said, and also to add that any such interference with the private society and public privileges of Members of Parliament on the part of the conductors of the public press, could no longer be endured, and they should not be permitted, as long as he could prevent it, to endeavour to promote and create personal quarrels between Members of that House, where age and infirmity rendered a personal quarrel utterly impossible, to excite differences with the relations, for that was the object, with the relations of those Members who, from various reasons were prevented from engaging in personal quarrels themselves.

DUTIES ON CANADIAN CORN.] Lord *Beaumont* rose to put a question to the noble Duke opposite on the subject of a bill which had passed the Legislature of Canada for imposing a duty on foreign wheat imported into Canada. The question he wished to ask was, whether it were the intention of her Majesty's Government to introduce any measure this Session to reduce the present duties on wheat and wheaten flour imported from Canada. If the question he had just stated were answered in the affirmative, he should wish to ask, further, whether any negotiations were on foot with the United States, to enable us to obtain from that country a reduction of her import duties upon English manufactures, in return for the enormous boon which we were about to bestow on that country.

The Duke of *Wellington* said the noble Lord had given notice last night of his intention to ask a question, which he (the Duke of Wellington was prepared to answer. The noble Lord had not given notice of his second question, and he (the Duke of Wellington) was not prepared to answer it. The noble Lord the Secretary of State for Foreign Affairs was in the House, and he would probably state whether he could answer the question. At all events, he could not answer it. With respect to the first question of the noble Lord, he begged to inform the noble Lord that the document to which the noble Lord had referred was not an act of the colonial Legislature, although it was a bill passed by the colonial Legislature. It could not be an act of the Colonial Parliament until confirmed by her Majesty. He would remind their Lordships, that in the course of the last Session of Parliament, when the Corn-laws were under discussion, it was stated to be the intention of the Government to propose an alteration in that part of the colonial system which related to intercourse with the province of Canada, when an act should have passed the colonial Legislature to regulate the intercourse with the United States, in the article of corn. In answer to the question of the noble Lord, he (the Duke of Wellington) would tell the noble Lord that when the bill to which he had referred became law, it was the intention of her Majesty's Government to propose the alteration which was in contemplation during the last Session of Parliament, when the corn bill was passed.

Lord *Beaumont* regretted deeply the answer he had received. He regretted it because it appeared that between the Secretary for the Colonies and the Government of Canada there was actually going on a kind of bargain, while at the time Parliament was discussing a bill which was believed to be permanent.

The Duke of *Wellington* thought he had told the noble Lord and the House—he knew it had been stated in the other House of Parliament that it was intended in case such a bill as had been alluded to passed the colonial Parliament, that the laws governing the intercourse between this country and that colony would thereafter be revised.

Lord *Monteagle* wished to know when the bill was likely to be introduced. He would also ask the noble Duke opposite, when the bill would be likely to come into operation?

The Duke of *Wellington* was understood to reply—not immediately.

Their Lordships adjourned.

HOUSE OF COMMONS,

Tuesday, March 21, 1843.

Minutes.] New Writ. For Athlone, in the room of Daniel Henry Ferrall, whose Election had been declared void.

Bills. *Public.*—1°. Municipal Corporations.

Reported.—Consolidated Fund; Coast of Africa.

3°. and passed:—Mutiny; Marine Mutiny.

Private.—1°. Chalgrove Inclosure; Anderston Improvement and Police; Stratford and Thames Junction Railway; British Watch and Clock Making Company; Ballochney Railway.

2°. Milne's Free School; Yarmouth and Norwich Railway and Drainage; Leighton Bussard Inclosure.

3°. and passed:—Hull and Selby Railway.

Petitions Presented. By Messrs. Brotherton, Ewart, and Cobden, from Beaminster, Billington, Liverpool, Langholm, New Lanark, Sabden, Darlington, Greenwich, Trowbridge, Burnley, Highhouses, and Slateford, for the Total and Immediate Repeal of all Corn and Provision Laws.—By Mr. Milner Gibson, from Manchester, against the Factories Act.—By Mr. F. French, from from Roscommon, Elphin, and Carlow, in favour of the Medical Charities (Ireland) Bill.—By Mr. M. Phillips, and Mr. S. Crawford, from Strabane, Donaghmoyne, Nenagh, and Limerick, for Amending the Irish Poor-law.—By Sir H. Douglas, from St. John's, for Amending the Law relating to Oil.—By Sir R. H. Inglis, from Llanfaes, Penmon, and St. Bees, against the Union of the Sees of St. Asaph and Bangor; also from Leigh, Horncastle, and Barton, against the Ecclesiastical Courts Bill.—From Tenterden, for the Repeal of the Malt Tax.—From Epsom, for Rating the Owners of Small Tenements instead of the Occupiers.—From Manchester, against the Factories Bill.—From Lincoln, for Allowance of the Wine Duties on Stock in Hand.—From the Trustees of the Turnpike Road between Hulme and Eccles, against the Turnpike Roads Bill.—From Ilfracombe, against the Income Tax.—From Borrowstounness, for preventing Collision between the Civil and Ecclesiastical Courts.—From Donohill, for Repeal of the Law regarding Landlord and Tenant.—From Aldbrough, for Repeal of the Roman Catholic Relief Act.—From Hitchen, against the Government Scheme of Emigration from Africa to the West Indies.—From Poslingford, Denston, and Aldborough, against the Grant to Maynooth College.—From Stephen Dickson Brazill, complaining of Grand Jury Assessment (Limerick).—From Whithaven, against Lord Ellenborough's Proclamation.

ATHLONE ELECTION.] Mr. *C. Buller* reported from the Athlone Election Committee, that it had agreed to a report

"That Daniel Henry Ferrall, Esq., was not duly elected a Burgess to serve in this present Parliament for the Borough of Athlone.

"That the last election of a Burgess to serve in Parliament for the said borough was a void election.

"And the said determinations were ordered to be entered in the Journals of this House.

"House also informed, that the committee had come to the following resolutions, which they had directed to be reported to the House.

"That Daniel Henry Ferrall, Esq., was, by himself, and his agent Henry French, guilty of treating at the last election for the borough of Athlone.

"That, in the course of the proceedings of the committee an objection was raised as to the validity of the last Election for the borough of Athlone, on the ground of four clear days not having elapsed between the day of election and the day of notice required by law: That the committee are of opinion, that a notice of four clear days is required by the act 1 Geo. 4, c. 11, the act by which elections in Ireland are regulated; and that such notice was not given in this case; but the committee have no reason to believe that the result of the election was affected by such irregularity; That it appears to the committee, that the law with respect to the period of notice being different in Ireland from that which the Act 3 and 4 Vic. c. 81 has established with respect to England, it is advisable that the provisions of that Act should be extended to Ireland."

Captain *A'Court* said, that, as a Member of the committee, he wished for the Speaker's opinion upon this point:—Supposing the statute required three days' notice to be given, if no notice were given, would it be a valid election?

The *Speaker* observed, that that was a pure question of law upon which, probably the House and the hon. Member, on reflection, would not expect him to give an opinion.

Mr. *C. Buller* observed, that the question was rather an odd one, inasmuch as it happened that the point had been decided by the committee.

Mr. *French* remarked, that he could prove that the four days' notice were given.

Report to be laid on the Table.

LOCAL COURTS.] Mr. *Hume* wished to ask the right hon. Baronet the Secretary for the Home Department to state what were his intentions with respect to a Local Courts' Bill? Did he mean to introduce it before Easter, in order that the public might have an opportunity of examining it during the recess?

Sir *J. Graham* replied, that it was his intention to ask leave to bring in the bill before Easter.

PRIVILEGE—PRINTED PAPERS, EXPLANATION.] Sir *Thomas Wilde* said: I rise, Sir, to bring under the notice of this House a subject connected with its privileges. No doubt many hon. Members are aware, from the usual sources of information, that it has been supposed by the Lord Chief Justice of England that reflections were made upon him, in the course of a debate in this House, highly reflecting upon the principles which the person who holds that most dignified and important office ought to possess. Sir, by the public journals that speech, and those reflections, are imputed to me; and I apprehend that it becomes a Member of this House who has any explanation to offer, or any disavowal to make, to choose his place in this House to offer such disavowal or explanation. Every one must feel impressed with the great importance which belongs to the character of the Lord Chief Justice of England; and it becomes every one, therefore, to be extremely cautious of imputing to the person who holds that distinguished office anything inconsistent with the high principles which the public have a right to expect should be entertained and enforced from that station. In the course of the debate on the subject of privilege, I thought it necessary to call attention to the danger which the privileges of this House would incur by being submitted to the jurisdiction of the learned judges of Westminster-hall. I remarked on the great probability, that on many of the great questions upon which Parliament would be called to deliberate and to act, there was not the same opportunity for the judges to form a correct judgment as for Members of Parliament, and I referred to this as likely to lead to a material difference of opinion between this House and those tribunals. It is unnecessary for me to offer any remarks upon the great inconvenience and injury which must result from any conflict between this House and the courts of justice. Neither could it be a matter of discussion, because it was obvious, from what had recently taken place, that serious public inconvenience had actually been felt. The remarks, which the subject appeared to me to call for seem to have given pain to, and to have been thought to reflect on, the learned and dignified person holding that high office. On the other hand, expressions have been used towards this House which I cannot but think both unseemly and uncalled for. In order to illustrate the position in which the officers of this House might be placed by allowing the courts of law to adjudicate on these questions of privilege, I called the attention of the House to the opinion recorded by Lord Chief Justice Denman upon the subject of printed papers, which has been so often under the consideration of this House. It will be in the recollection of the House that an act of Parliament was passed, authorising the Crown to issue a commission to inquire into the condition of the several prisons in this country. In the course of his duty the Inspector visited the prison of Newgate, and thereupon made a report as to what he discovered in relation to the conduct and management of that prison. In the course of that report the Inspector referred to a book which he found in that prison, published by a person named Stockdale. Mr. Stockdale brought an action for libel in consequence of the statement made by the commissioner in that report, which report was made under the authority of a commission from the Crown, had been authorised by an act of Parliament, which had been laid before the Crown, had by the Crown been submitted to both Houses of Parliament, and by order of that House had been printed for the information of the public. A document, therefore, less open to suspicion of malicious or bad motives, or a document coming with higher authority and sanction, I cannot imagine; and a subject of greater importance for inquiry by the Legislature than the management and conduct of prisons in this country there cannot be. When Stockdale brought his action against the printer of the House of Commons for libel, the printer, acting under the direction of the House, stated that he published it in compliance with the orders, and under the authority of the House. When the matter came before the Court of Queen's Bench, the Lord Chief Justice, in discussing the application of the privilege to the subject-matter under discussion, used certain expressions with regard to that book which I will presently read to the House, affirming in effect that the publication of this report was unauthorised, on the ground, among others, that the statement relative to the book was wholly irrelevant to the subject of prison discipline, and wholly irrelevant to the subject of legislation upon that discipline. That opinion appeared to me so strikingly at variance with the opinion of Parliament, that I pointed it out as one of the instances in which difference of opinion might exist, where it would least be expected to arise. I will now, Sir, call the attention of the House to the report which contained the statement relative to that book. The commissioner says that he proceeded to Newgate prison. In ward No. 10,

"We found," are his words, "that the wardsman, a convicted prisoner, owned all the bedding, crockeryware, the knives, forks, kettles, and saucepans, for the use of which each prisoner pays him 2*s.* 6*d.* a-week . . . . There was a good supply of Bibles and Prayer-books provided by the prison, together with other religious books, the gift of Captain Brown. These books, particularly the Bible, bore little appearance of having been used. On discovering the cupboards of this ward, we found a pack of cards, apparently much used, a cribbage-board and pegs, and two draught-boards and men; we also found four tobacco-pipes, in some of which the tobacco still remained, and a box with tobacco in it. These, though forbidden by the prison regulations, were quite exposed on the shelves of the cupboards, and must have been detected on the most superficial inspection of the ward by any officer of the prison. We also found a bundle of newspapers, twelve in all; and, upon inquiry, we found that a daily paper is taken in in this ward. The newsman, who lives next door to the Giltspur-street Compter, and who is also a tobacconist, brings it regularly every day to his customers, the prisoners, to whom he has access, unattended by an officer. One of the principal turnkeys, who accompanied us, said that the daily papers were allowed by the governor, but that no Sunday paper was admitted; such papers he said, were strictly forbidden. This he told us aloud, in the hearing of the prisoners. But we subsequently ascertained that Sunday papers were as publicly brought into the prison on the Sunday morning, as the other papers during the rest of the week; that on Sunday evenings, the turnkey above alluded to regularly borrowed the Sunday paper, the *Dispatch*, from a prisoner, and returned it to him on the Monday. We found porter in a bottle on the shelf, though none could have been brought into the ward since one o'clock on the day before. The wardsman had a snuff-box, and snuff, which he used continually and openly; there was also another snuff-box in the ward; and each prisoner, if he liked, might have had one. . . . We found two boxes, containing two or three strong files: four had brad awls, several large iron spikes, screws, nails, and knives; all of them instruments calculated to facilitate attempts at breaking out of prison; and capable of becoming most dangerous weapons in the hands of desperate and determined men."

I brought before the House the previous statements to show that this was not a single circumstance introduced into the report, but that it was given in the course of a detail of other circumstances connected with the management of the prison. I now come to the particulars which gave rise to the action of libel.

"We also found," the report continues, "several books: amongst them, 'Guthrie's Grammar,' a song-book, the 'Keepsake Annual, for 1836,' and the ——, by ——, 18 plates, published by Stockdale, 1827."

The commissioners add,

"This last is a book of a most disgusting nature, and the plates are obscene and indecent in the extreme. It was claimed as his property by a prisoner named ——, and was kept in the cupboard without any attempt at concealment. We also met with large bundles of papers, which, on examination, proved to be rough drafts of briefs."

For that report, and for a second report, by the same commissioners—sent because the city authorities impugned the correctness of the character of this book, and called it a scientific work—for these two reports the action was brought. Lord Chief Justice Denman, according to the printed report, in commenting on the judgment delivered in that case of Stockdale v. Hansard, expressed himself thus:—

"It was likewise stated by him (Lord Denman) that the defamatory matter had no bearing on any question in Parliament, or that could arise there. The complaint before the court was, that Mr. Stockdale charged Hansard with printing a libel, and he (Lord Denman), in giving judgment, observed: 'Whether the book found in the possession of a prisoner in Newgate were obscene or decent could have no influence in determining how prisons could best be regulated.' And how could it at all bear upon the question as to the way in which a privilege of the House of Commons was exercised, whether a particular man had in his possession an obscene book or not? Nobody had ever put forth such a monstrous doctrine, nobody had ever maintained such an opinion, or had ever offered resistance to the abuse complained of in the publishing of a libel by order of the House of Commons, under the plea that the publication was of and concerning an obscene book found in the possession of a prisoner in Newgate. He would repeat that the nature of the book had nothing on earth to do with the question as to how prisons could best be regulated."

I had reason to suppose that the House did not concur in that opinion. I, therefore, referred to that opinion, and I stated that Lord Denman had said, "What in the world could the book have to do with prison discipline?" I referred to the noble and learned Lord's judgment on no part of the subject, except as to whether the nature of the book admitted into the prison was or was not material to the discussion of, and legislation on, prison discipline. To that point alone my remarks were addressed. It is complained of me that I imputed to Lord Chief Justice Denman not that he said "the question of what books were read by the prisoners was immaterial to the question of prison discipline," but that if "the question was immaterial, whether obscene books were or were not read by the prisoners." Sir, I had not heard, I had not seen, I had not read of any such opinion on the part of the Lord Chief Justice; I never understood that he entertained this opinion, and I never imputed it to him. A great deal was said on the matter of privilege, and the noble and learned Lord did me the honour to say, that he always considered me his friend, and that he thought I should be the last to make such an attack, and the first to defend him if such an accusation had proceeded from any other quarter. Sir, the noble and learned Lord did but justice to my feelings. I do entertain for him the most sincere regard and respect. As to defending him, it would never have crossed my mind, for his character and conduct have ever been such, that I should never have thought that he could be the subject of attack; were this, however to occur—which from his known rectitude, and from his eminent qualifications for the high stations which he fills, I deem impossible—I should feel honoured in giving my humble aid to his defence. But consistently with the honour he has conferred upon me, by considering me his Friend, I should have hoped that the noble and learned Lord would not have imputed to me any such expressions as that of which he has complained. If he had found any such expressions bearing such an interpretation, I could have wished he had done me the justice of supposing that there was some inaccuracy in the statement. However, the noble and learned Lord appears to have been hurt by the statement made in my speech. Whether that speech, as reported, really does convey the charge of which the noble and learned Lord complains, I must leave the House to judge. The debate was a very long one. The very early publication of the morning journals, might have prevented those who attended in this House to report the debates, from taking their notes with that accuracy which the peculiar nature of the subject might more immediately call for. But, Sir, in the present instance, if my entire statement, as it stands, be taken as a whole and together, it really does not seem to me to carry with it the serious imputation which it appears to the noble and learned Lord to convey. I am not surprised, however, that my Lord Denman should take notice of this statement, because the slightest term of expression which may even appear to reflect on a person holding his high office is a matter of great importance. At the same time, I think that even if a single paragraph or a few lines might bear an unfavourable interpretation, the whole, taken together, does not differ from Lord Denman's judgment. I am supposed to have said,—

> " Look at some of Lord Denman's opinions —remember that which he expressed, that it mattered little whether or not licentious books might be read by the inmates of a prison, old and young persons, placed there with a view to their reformation and amendment."

That precise expression, however, I did not use; but I went on to say, that Lord Denman asked,—

> " What in the world had that to do with the case?"

From the form of this question it is evident that this prior expression was used in reference to some case. I am next supposed to say, and no doubt I did say in substance, that—

> "If they had got into his own family, he would have seen in a moment what they had to do with domestic government. That any man should be found to say that licentious and profligate writings, and their use by prisoners, had nothing to do with prison discipline, I own has astonished me."

Does not what I here say show that by the prior expression I meant that there were other parts which surprised me in that judgment? Looking at the whole speech, is the imputation which Lord Denman considers it as conveying, to be fairly inferred from it? The first paragraph, I admit, if taken separately, would bear the appearance of reflecting on that noble and learned judge, but surely the whole paragraph, when read connectively, does not bear that interpretation? It was only yesterday, Sir, I had an intimation that my Lord Denman felt hurt at my speech; I had scarcely time to refer to the report, but I at once wrote to say that—

> " The only passage which I believe refers to Lord Denman, relates to that part of his judgment in which he held the publication of the commissioners' report of the state of prisons to be libellous, because the statement that Stockdale's licentious book was in the hands of the prisoners, was unnecessary and irrelevant to the question of prison discipline; in relation to which statement, I believe I said, in substance, that I was surprised that such an opinion as to irrelevancy could be entertained; and that I was sure if such books found their way into the domestic establishment of the noble Lord, he would not fail to perceive how intimately connected the circumstances would be with the discipline of that establishment; and that it seemed to me equally pertinent to the discipline of a prison inhabited by young and old for the purpose of reformation. Since receiving Lord Denman's note, I have, for the first time, referred to the report in the *Morning Chronicle*, in which I am supposed to have imputed to Lord Denman that he said, it mattered little whether or not licentious books might be read by the inmates of a prison; but I am certain that I never imputed to Lord Denman to have said anything but that the censures on Stockdale's book were irrelevant to the subject of the report."

Now, Sir, I cannot expect that any expression which falls from me will long dwell on the minds of hon. Members; but still I hope there are some present who will remember that the whole substance of my speech in relation to Lord Denman was whether the character of the book had, or had not, a direct bearing on the question of legislation on prison discipline. Such, Sir, was the substance of what I said; whether it can be regarded as conveying the imputation of which the noble and learned Lord complains it is not for me to determine. I feel, however, that if any expression open to an unkindly interpretation had escaped me, I should do no more than justice to the liberality and forbearance by which the noble and learned Lord is distinguished, in hoping that he would make some allowance for expressions used in the warmth of debate. I do not claim any great allowance in this particular, but I am certain that the noble and learned Lord would have done so, if the expressions in his own speech has occurred to him, of "obsequious judges sometimes dealing with privileges" — of a "House of Commons tyrannical and unjust," and that "if these transactions had taken place before a grand jury they would have been treated with contempt." If it were said the House, in discussing whether a learned Lord had miscarried in his duty, "had exceeded its duty," or that if a "petition was presented to the House, it was disgraceful to the Member who presented it, and that it was still more disgraceful to the House to allow it to be printed;" it shows that expressions will sometimes escape the most correct persons, which on deliberate reflection they would perhaps have avoided. But when it is said, that,

> "The Prime Minister of England, all powerful and all able as he might be, could not be justified, from anything that had taken place, in supposing that the judges, from some mean jealousy of the power of the House of Commons, would be found to play a paltry game, in order to defeat the just privileges of that House,"

I do, Sir, think that an accurate reading of the debate would have prevented such expressions from being used. The Prime Minister referred to the relation of the House of Commons to the courts of justice, to the duty of the House in maintaining its privileges; but nothing fell from the Prime Minister which could impute to the courts of justice a mean jealousy of the power of the House, or that they were playing a paltry game. Sir, I am reported also to have said,

> "It was a judgment which, if it came to be correctly examined, would be found to contain less of accurate law, as well as less of good sense, than any judgment ever pronounced."

I am not, Sir, prepared to deny that I used those expressions; but I can only say that they are ill-words, and ill-chosen, and I most readily express my regret for having applied them. I differed from the law, which I thought to be inaccurate; but that it "showed little good sense" was an expression hastily used, and I am sorry to have used it.

Sir *R. H. Inglis* rose, but was met by loud cries of "Order, order," and "Chair, chair."

The *Speaker* reminded the House that the proceeding of the hon. Member for Worcester arose from a complaint of a breach of the privileges of the House, of course he had concluded that the hon. Member would have concluded with a motion. The hon. Member had made a speech without bringing forward a motion; it was most irregular to make a long speech, which was not followed by a motion, and could not but be attended with great inconvenience.

Sir *T. Wilde* begged pardon of the House, he had been misled by the practice in the other House of Parliament.

TREATY OF WASHINGTON.] Viscount *Palmerston*[*]: I rise, Sir, in pursuance of my notice, to move for copies or extracts of the communications which have taken place between the British Government and Lord Ashburton, their plenipotentiary at Washington, on the subject of the treaty signed at Washington on the 9th of August last; and for reasons which I will proceed to state, I am induced to hope that her Majesty's Government will not refuse me these papers. In the first place, her Majesty's Government have already laid upon the Table a portion of the papers, which were included in my original notice. In the first week of the present Session, my hon. Friend, the Member for Montrose, asked the right hon. Baronet at the head of the Government, if he did not mean to lay before Parliament those communications between Lord Ashburton and Mr. Webster which had been laid before Congress, and which had been published in all the newspapers in the United States and in England. The right hon. Baronet at first gave a hesitating answer; but on being further pressed by my hon. Friend, he ended by what appeared to me to be a pretty positive refusal. Thereupon I gave notice that I should move for the production of those papers, and the silent eloquence of a notice on the order book, seems to have been more persuasive with the right hon. Baronet than the *vivâ voce* appeal of my hon. Friend; for the right hon. Baronet, without waiting for my motion, laid the papers on the Table, and they have been for the last week in the hands of hon. Members. Therefore, as the right hon. Baronet has been induced to reconsider his first determination in regard to this part of the correspondence, I am not without hope that, upon further reflection, he may also reconsider the intention which he has announced to withhold that second portion of the correspondence for which I am now about to move; and that, although he said a few days ago that he would not grant it, he may, when he has heard my arguments, be prevailed upon to comply. Again, the right hon. Baronet, without even being asked to do so, has recently laid upon the Table the correspondence between the late Government and their plenipotentiary at Washington, upon the Boundary Question, from June, 1840, to August, 1841; not merely extracts, but complete copies of our instructions to Mr. Fox, and of his replies to us. I am glad the right hon. Baronet has done so. These papers are a continuation of the previous correspondence of the same kind, which we ourselves had, upon two former occasions, laid before Parliament at the suggestion of the right hon. Baronet; and it was right and proper that Parliament, having had the previous part of that correspondence, should also have its conclusion. But as the right hon. Baronet has thought that no public inconvenience would arise from laying our correspondence on the Boundary Question before Parliament, I should hope that he will not think that any public inconvenience would arise from also laying before Parliament the correspondence of the present Government upon the same question. If our correspondence has been thought fit to stand the light of day, it is to be hoped that theirs will not be thought by themselves less fit to undergo the same ordeal. I have, then, in support of my present motion, the example of what both we, when in office, and the present Government, now that we are out, have done in regard to our negotiations on this Boundary Question; and I trust that what has been thought right in regard to our correspondence, will not be thought wrong in regard to theirs. Moreover, there are persons in this country who are disposed to approve of this treaty of Washington. There is nobody, I believe, who thinks it a good treaty, nobody who does not think it a bad and very disadvantageous bargain for England. But there are some people who were so anxious to get the dispute settled, that they are glad to see it settled upon any terms, even upon the disadvantageous conditions contained in this treaty. Those persons are disposed to bestow praise upon the parties by whom this transaction has been brought about; and it is right that such persons should know in what proportions the praise which they are ready to award, should be divided between the Government that gave the instructions, and the plenipotentiary who conducted the negotiation. On the other hand, there are persons, of whom I profess myself to be one, who think that this transaction deserves blame; that the negotiation was unskilfully conducted; that the tone of the British representative throughout was undignified; and that the terms agreed to by the treaty are unnecessarily disadvantageous to Great Britain. Such persons ought to be able to know in what proportion the blame which they think to be due should be shared by the Government at home, and the plenipotentiary at Washington. Both parties, therefore, those who praise and those who blame, equally stand in need of the papers which I am going to move for, in order to arrive at a right judgment on these matters. But for my present purpose, which is to discuss these matters, the treaty itself, and the correspondence between Lord Ashburton and Mr. Webster, which has been laid on the Table, will be sufficient; and the arguments by which I shall endeavour to support my opinions will find foundation enough in these documents alone. I well know that in proceeding to express my dissatisfaction at the Treaty of Washington, I shall be met with the stale and hacknied charge that my language and opinions have a tendency to disturb the friendly relations between this country and foreign powers, and to bring on the risk of war. It is easy to endeavour to silence by such accusations those who think the Government have not properly maintained the interests, or asserted the honour of the country. But I shall not be deterred by such a charge from performing what I think a public duty. On former occasions I have disregarded such imputations, and I shall equally disregard them now. I trust that the part which it fell to my lot to take in the management of our foreign relations, during the ten years I had the honour to hold the seals of the Foreign Office, will afford a sufficient proof that I am not so irrational as not fully to appreciate the value of peace. There is indeed no rational man in these times, and in this country, who must not feel that peace is one of the greatest blessings which nations can enjoy, and that war is one of the severest calamities that can afflict mankind. But if this be true in the abstract, and if peace in general, and with all nations, ought to be the great aim of those who are charged with the Government of this country; the United States is of all countries, that with which it ought to be our object to maintain, not merely peace, but the most intimate connection. I remember to have seen in the writings of a clever Frenchman the remark, "that nations have no cousins;" by which I apprehend was meant, that nations in their relations with each other are not swayed by those sympathies and affections which guide the mutual intercourse of individuals, but are governed by a dry regard to what they may from time to time believe to be their own particular interest. The remark is a just one, and ought never to be lost sight of by public men. But if there be an exception to that maxim, that exception may be found in the connection that exists between this country and the United States. The people of the two countries may indeed be termed blood relations; community of origin, of language, of literature, of manners, of laws, of religion, almost identify the two nations; while the peculiar nature and character of the industry of each, fit the two, in a remarkable degree, for mutual commercial intercourse. But still the people of the United States are a separate political community, divided from us by geographical position, and having separate interests of their own, which may on many occasions conflict with, and be at variance with ours, and on such occasions, as they most assuredly will not unduly sacrifice their interests for us, so neither ought we unduly to sacrifice our interests for them. The permanent security of peace is not promoted by such sacrifices; for it is a maxim of international intercourse, that unequal treaties and compacts, however much they may seem to smooth temporary difficulties, and to get rid of embarrassments of the moment are not in the long run consistent with reciprocal good feeling, and tend to endanger rather than to consolidate peace. Therefore, if this treaty is unfair in its terms, and unjustly disadvantageous to England, it is not calculated to promote in the end that concord and harmony which I am sure we all of us wish to see established between Great Britain and the United States. I will not trespass upon the time of the House by describing in detail the origin and progress of those differences about boundary, between the British North American provinces and the United States, which this treaty professes to settle. These matters are well known to all. It is well known that these differences arose out of the preliminary treaty of November 1782, and the definitive treaty of September 1783, which acknowledged the independence of the United States, and fixed their boundaries. The preliminary treaty of 1782, described what those boundaries were to be, and the definitive treaty of 1783, repeated word for word the description contained in the treaty of 1782. But the article in the treaty of 1783, which contained that description, contained also a remarkable preamble, a preamble remarkable as an instance, shewing how vain are sometimes the expectations of those, who boast that treaties like these, have settled all disputes, once and for ever. The second article of the treaty of 1783, begins with these words:—

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[*] From a corrected Report.

> "And that all disputes that may arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries,—

And then follows a description of those boundaries in the same words as in the preliminary treaty of 1782. But this treaty, which was to prevent all future disputes, has been the fertile source of disputes from that time to this. For every part of the boundaries therein described, except such parts as were defined by well known rivers, or by the beach of the sea, has been by turns the subject of controversy. But my present business is only with that part of the boundary which lies between the mouth of the St. Croix in the Bay of Fundy, and the point where the forty-fifth parallel of north latitude strikes the river St. Lawrence. That portion of the boundary is thus described in the treaty. It is therein said that the line is to run from the mouth of the St. Croix in the Bay of Fundy, up the middle of the stream of that river to its source; thence due north to the Highlands, to those Highlands, namely, which divide rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean; then down along those Highlands to the north-westernmost head of the Connecticut river; then down the middle of that river to the forty-fifth parallel of north latitude; then along that parallel till it strikes the river St. Lawrence. Now the first dispute which arose upon this part of the boundary was as to which river was the St. Croix. There are several rivers flowing into the sea in those quarters which, at various times, had received from the French the name of the St. Croix. The Penobscot and the Scondiac had each received that name. The American negotiators of the treaties of 1782 and 1783, had indeed taken care to exclude the Penobscot; because they had specially described the river which was to be the boundary, as being the St. Croix which has its mouth in the Bay of Fundy; thus distinguishing it from the Penobscot, which has its mouth out of the Bay of Fundy, and in the Atlantic Ocean; but there is another smaller river with an unpronounceable Indian name, which has its mouth also in the Bay of Fundy, but still further eastward than the Scondiac, and to this river the Americans laid claim as being the St. Croix of the treaty. This question was decided in favour of Great Britain, and justly; for there can be no doubt that the Scondiac is the river meant to be designated in the treaty as the St. Croix. The next question was, which was the source of St. Croix. That river, like most others, branches off as you follow it upward from its mouth, into a number of confluent streams, and the question was, which of the two principal branches should be considered as the main stream, and should bear the name of the river itself. We claimed the stream which had its source most to the westward; the Americans claimed the stream which had its source about eighteen miles further to the eastward. The British and American commissioners had previously agreed upon an arbiter to decide between them in case of difference; that arbiter happened to be a citizen of the United States, and this question was decided against us, and the easternmost source was fixed upon as the starting point of the due north line. This decision was clearly wrong, and has been the cause of much inconvenience since; but the British Government of the day formally acquiesced in it; and the faith of the country having been pledged, there was no possibility of retracting the acquiescence thus given. A monument was then erected at the point so determined, to be considered as the source of the St. Croix, and that monument became thenceforward, the starting point for the due north line. Commissioners were then appointed under the stipulations of the treaty of Ghent, to trace upon the ground that due north line from this monument to the Highlands, and from thence, down those Highlands, and along the forty-fifth parallel to the St. Lawrence. These commissioners began from the monument, but they soon differed. The British commissioners declared, that they had found, south of the St. John, and not far from Mars' Hill, the Highlands of the treaty, and there they asserted the due north line ought to stop; and from that point, they said the boundary was to run along Highlands, south of the St. John, to the head of the river Connecticut, The American commissioners, on the other hand, denied that these were the Highlands of the treaty, and pushed on the due north line, about a hundred miles further, and declared that they had found the Highlands of the treaty at the source of the Metis, a long way north of the St. John, and not far from the bank of the St. Lawrence. Here, then, was another point of difference. The British commissioner maintained, that the boundary from the due north line to the head of the Connecticut, ran south of the St. John; the American commissioner asserted, that it ran north of that river. Upon the next part of the boundary they agreed. Both parties concurred in declaring that the mountain range which runs from the sources of the Connecticut, in a north-westerly direction, is for about eighty miles of its north-westerly course, a portion of the boundary according to th treaty of 1783; because that mountain range fulfills the conditions of the treaty, by dividing the Chaudière which falls into the St. Lawrence from the Kennebec, which falls into the Atlantic Ocean and, moreover, it runs down into the sources of the Connecticut. At about eighty miles north-west of the Connecticut, and somewhere near the source of the Metjarmette, this portion of the boundary, mutually acknowledged as such, was met by the two lines which the British and American commissioners respectively drew from the due north line, the one to the south, the other to the north of the St. John. But then a difference arose as to which of the confluent streams, which unite to form the Connecticut, should be deemed to be its north-westernmost source. The Americans claimed the confluent, most to the west, called Hall's Stream; we claimed the confluent most to the east, which passes through the Connecticut Lake, and which from its greater size and volume, is evidently the main branch of the river. The district lying between these two streams, and which would be American or British, according as the one claim or the other might be established, is not very large, but is pretty well inhabited. From this quarter down the Connecticut River, to the 45th parallel of north latitude, of course there could be no dispute; but a difference arose as to the line which should be deemed to be the 45th parallel of north latitude from the Connecticut to the St. Lawrence. This same parallel of latitude had been an inter-provincial boundary before the revolt of the North American colonies, and on that account it was adopted as an inter-national boundary in 1782 and 1783, because the treaties then concluded, acknowledged the independence of certain provinces which had taken part in the war. This line was laid down and marked out in 1772, by two surveyors, Valentine and Collins, as the boundary between the provinces of New York and Quebec; and, from the treaty of 1783 down to 1818, the line so laid down by those surveyors had been considered to be the boundary between the United States and Canada; and the land on each side of it had been settled accordingly. But in 1818, in pursuance of the Treaty of Ghent, two skilful astronomers, the one appointed by Great Britain, and the other by the United States, laid down this line anew by correct astronomical observation; and the result of their observations, in which they both unanimously concurred, was, that the old line of Valentine and Collins was wrong, and that for a distance of more than 100 miles, the true parallel of latitude runs from half a mile to a mile further south than the line of Valentine and Collins; and that thus a strip of that length and breadth, which till then had been supposed to belong to the United States, did, in fact, according to the letter of the treaty of 1783, belong to Great Britain. This strip happens to contain a military position of some importance, called Rouse's Point, a small peninsula at the northern end of Lake Champlain, commanding the entrance into that lake, from the River Richelieu. On this point, the Americans, believing the ground to be their own, had begun a military work, the completion of which they suspended in consequence of the discovery made in 1818, that the strip did not belong to them. These then were the points of difference betweeen the two governments about the boundary, from the Bay of Fundy to the River St. Lawrence, in latitude 45; and not being able to come to an understanding on these points, they agreed by treaty in 1827, to refer them to the arbitration of some friendly sovereign, formally binding themselves to abide by his decision; and in 1829 they chose the late king of the Netherlands as arbiter. The points to be referred were, which were the Highlands of the treaty of 1783; which was the north-western-most head of the Connecticut River, and how the 45th parallel of north latitude was to be ascertained. The House may naturally ask what difference could arise between the two governments on this last mentioned point, seeing that the American and British astronomers had unanimously concurred in their correction of the erroneous line of Valentine and Collins. The fact is, that it was thought by the Americans an object of importance to retain the strip, which lies between the two lines, both because, as I have stated, it had been occupied by American settlers, and because it contained the commanding position of Rouse's Point. They therefore bethought themselves of some expedient by which they might claim it. The heavens would not give them what they wanted, so they had recourse to the lower regions of the earth.

> "Flectere si nequeo superos, acheronta movebo."

Astronomical observations would not serve their turn, so they put forward the principle of geocentric measurement. They said, that the proper way to ascertain parallels of latitude was not, as hitherto practised, by astronomical observation, but by drawing lines from the centre to the circumference of the earth. Now as the earth is not a perfect sphere, but somewhat flatter at the poles than at the equator, lines drawn at equal angles from the centre, to different parts of the circumference, will cut off unequal portions of the surface of the earth, according as they intersect that surface nearer to, or further from, the equator; and it appeared that the 45th parallel ascertained by this method, would lie some way further north than when ascertained by the usual method of astronomical observation. This doctrine was strongly resisted on the part of Great Britain, and it is but just to the United States' government to say that it was given up by them in 1829, when the two parties laid their statements before the arbiter. But they then took up another ground and contended that the avowedly erroneous line of Valentine and Collins ought to be adopted in preference to the correct line laid down, in 1818, by the British and American astronomers. This, then, was one point to be referred to the arbiter. Another was, which was the north-western-most head of the Connecticut River; and the third point was, which was the north-west angle of Nova Scotia, or in other words, which were the Highlands of the treaty. These two last mentioned questions were in fact identical, as will appear from the following considerations. If the words of the proclamation of 1763, which define the boundary between the province of Quebec and the province of Nova Scotia, be compared with the words of the treaty of 1783, which describe the boundary between the two countries, it will be obvious that the same Highlands which made the former boundary were intended also to constitute a portion of the latter. But to establish the boundary between Quebec and Nova Scotia, the proclamation of 1763 took those Highlands all the way from the 45th parallel to the end of the Bay of Chaleurs, whereas the treaty of 1783 made the international boundary run along them from the head of the Connecticut, only as far as the point where the due north line from the source of the St. Croix should intersect them. The point, therefore, where the due north line should intersect the range of Highlands which extended from the head of the Connecticut to the end of the Bay of Chaleurs, would evidently become the north-west angle of Nova Scotia, and the north-east angle of Maine. The three points just mentioned were elaborately argued in statements prepared by each side; the two governments communicated these statements to each other, and each made a counter-statement in reply to the statement of the other party; and these statements and counter-statements were sent to the King of the Netherlands in 1829. In January 1831, about two months after Lord Grey's Government came into office, the King of the Netherlands made his award; and that award came to this country accompanied by a protest which had been made against it by Mr. Prebble of the State of Maine, then representative of the United States at the Hague. Mr. Prebble made this protest upon his own responsibility, and without instructions from his government; and he founded his protest upon the circumstance that the king of the Netherlands had made an absolute decision upon two only, out of the three points referred to him, and had stated in regard to the third, that no absolute decision could be made upon it, and that he therefore thought it proper that a middle course should be adopted with respect to it; and Mr. Prebble contended, that although the two governments were bound by the treaty of 1827 to submit implicitly to the absolute decisions of the King of the Netherlands, they were not bound to subscribe to the middle course which he had thought the proper one to be adopted. The two points which this award had decided, were decided in our favour. It decided that the 45th parallel of north latitude should be ascertained by fresh astronomical observation; but it added, that as this decision would give to Great Britain the long strip between the correct line and the old line of Valentine and Collins, and as that strip included Rouse's Point, on which the Americans had gone to some expense in building a fortified work, Rouse's Point ought to remain with the United States. The award decided that the stream which we claimed as the north-westernmost head of the Connecticut River is the stream which ought to be so considered. But in regard to the question where the north-west angle of Nova Scotia ought to be, that is to say in regard to the question whether the range of Highlands claimed by us, or that claimed by the Americans, were the Highlands of the treaty, the King of the Netherlands said that no absolute decision could be made. He said that neither the one range nor the other fulfilled, entirely and strictly, the conditions of the treaty of 1783. Those conditions were, that the Highlands should be the Highlands which divide the rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean, and that these Highlands should extend continuously from the point where the due north line intersects them, down to the sources of the Connecticut River. I think that a fair construction of the words of the treaty does not require that the Highlands should fulfil the river-dividing condition at the particular point at which the due north line intersects them. That condition was mentioned in order to identify the Highlands which were intended to be the boundary; and if Highlands are found which in any part of their course fulfil that condition, and if they extend continuously from that point to the point where the due north line intersects them, it seems to me that those are the Highlands of the treaty. But the king of the Netherlands took a different view of this matter, and he assumed that the Highlands to be found, ought, according to the treaty, to fulfil the river-dividing condition at the particular point at which the due north line intersects them. But this he said neither of the two lines did. As to the mountain range on the north of the St. John, claimed by the United States, he said that range did indeed throw down rivers or streams along its northern slope into the Lawrence, but that all the streams which fell down the southern slope of that range were intercepted by the St. John before they could reach the Atlantic Ocean, and were carried by the St. John, not into the Atlantic Ocean, but into the Bay of Fundy, which the King of the Netherlands considered the treaty of 1783 to have contradistinguished from the Atlantic Ocean. As to the mountain range to the south of the St. John, claimed by Great Britain, he said that this range did indeed throw down rivers, such as the Penobscot, along its southern slope, into the Atlantic Ocean; but that all the rivers which flowed down its northern slope must be intercepted by the St. John before they reached the St. Lawrence, and were by the St. John carried not into the St. Lawrence, but into the Bay of Fundy. Therefore, as neither line appeared to him to fulfil the conditions of the treaty, he declared that it was fitting that an intermediate line should be adopted; and this line, beginning at the point where the due north line intersects the St. John, was to run up along the mid-channel of that river to the mouth of the St. Francis, then up the middle of the St. Francis to its source, then to the nearest point of the line claimed by the United States, and thence along that line down to the north-westernmost head of the Connecticut River. It became the duty of the British Government, upon receiving this award, to consider what they should do. We might have taken the same objection to it which Mr. Prebble, acting upon his own authority had made. But considering the unqualified nature of the engagement entered into by the British Crown, by the treaty under which the reference was made, we did not think that a due regard to the honour and good faith of the country would allow us to take that ground. If we had done so, and if the American government had afterwards insisted upon having the award executed, and if serious differences had thereupon arisen between the two countries, and we had been obliged to come down to Parliament for support, I think that Parliament would not have sanctioned such a course; but would rather have been of opinion that we had taken our stand upon too nice a point, and that the friendly relations of the two countries ought not to have been disturbed on account of so technical a distinction. Moreover, it did not appear to us to be expedient to object to that award. It is true, the award was very disadvantageous to England as compared with what we believed, and what all our predecessors had believed, to be our just right to the whole of the territory in dispute. But the British Government had decided not to stand out nakedly for our extreme right, when it had agreed to refer the matter to arbitration. We felt warranted in assuming that our predecessors in the Government had accomplished al that labour could effect in collecting information, and had exhausted all the resources of ingenuity in founding arguments upon that information. The statement of our case submitted to the King of the Netherlands was indeed a goodly folio volume; and therefore, there seemed no reason to suppose that if we rejected that award, and went to another arbitration, we should be able to make any important addition to the matter which had been submitted on our behalf to that Sovereign. Nobody could doubt the fairness and impartiality of the King of the Netherlands, or the laborious industry with which his Government had investigated the questions which they had had to consider; and, therefore, it did not seem probable that if the same statements were to be laid before another arbiter, supposing the Government of the United States to consent to such a course, any more decisive or satisfactory result could be obtained. It was not probable that we should find any other arbiter more favourably disposed towards us than the King of the Netherlands. There were circumstances at that moment which must have tended to make him incline as much in our favour as a sense of justice would permit him to do. Great Britain was one of the powers who were at that time engaged in settling questions deeply affecting his interests; and it was not likely that he should go out of his way to excite the resentment of the British Government by swerving from just impartiality to the prejudice of Great Britain. We therefore transmitted this award to the government of the United States, informing them that we were willing to submit to it in its entirety, in pursuance of the engagements taken by Great Britain by the treaty of 1827. At the end of a year and a half, in July 1832, the Senate of the United States came to a decision on this matter, and determined to reject the award, upon the same grounds on which Mr. Prebble had in the outset protested against it. For some time afterwards, not seeing any better course, we continued to press the American government to reconsider their determination. At last, finding that they persisted in rejecting the award, we declared that we were no longer bound by our offer to accept it, and that thenceforward the two parties were as free in this respect, as they were before they had agreed to refer the matter to arbitration. Various propositions were then from time to time made and discussed between the two Governments. We wishing to negociate for a conventional line, while the United States government urged that further endeavours should be made to trace out the line, in conformity with the words of the treaty. There was one proposal made with this view by the American government, which at first sight seemed to hold out the prospect of a result highly favourable to Great Britain. Mr. Livingston suggested that, as it appeared, from the result of the reference to the King of the Netherlands, that no such Highlands as those described in the treaty could be found in a due north line from the source of the St. Croix, and as both Governments had at various times expressed an opinion that in this respect the treaty could not be literally executed, an attempt should be made to find the Highlands of the treaty to the westward of the due north line; and that a line drawn from such Highlands to the head of the St. Croix, should be part of the boundary. Mr. Livingston said, that such a departure from the strict words of the treaty would be justified by some principles of surveying practised in America; and that Highlands so found, if they fulfilled the conditions of the treaty, might be declared by the federal government, upon its own constitutional authority, to be Highlands of the treaty. At first sight this was a tempting proposition; because it seemed to be an abandonment, on the part of the American government, of the whole of the disputed territory. For every body knows that by going far enough westward, such Highlands could be found; every one knows that west of the sources of the St. John, and between the sources of the Chaudiere and Kennebec, Highlands exist, which do indisputably divide rivers that empty themselves into the St. Lawrence, from rivers which fall into the Atlantic Ocean; and if it had been agreed that a line drawn from those Highlands to the monument at the source of the St. Croix, should be the boundary, such a line would have given to Great Britain more than she had ever claimed,—more than the whole of the disputed territory. But nobody could be so simple as to suppose that such was really Mr. Livingston's intention. In order, however, to ascertain what the intention of the American government really was, it was necessary to find out whether they persisted in adhering to the American interpretation of the treaty of 1783, by which it had been contended that no distinction was to be drawn between the Bay of Fundy and the Atlantic Ocean, and that for the purposes of the treaty the St. John was an Atlantic river. For if they adhered to this interpretation, then the only effect intended by this proposal of Mr. Livingston was to amend the American case in a point, in which it was confessedly defective. The defect I allude to in their case was this, that the north line, when it comes to the point at which they would make it finish, and from whence they would branch off to the westward, along their assumed Highlands, that is to say, about the source of the Metis, does not intersect a mountain range, but terminates in a flat swampy tract, elevated, no doubt, above the level of the sea, but constituting a table land rather than a mountain range. But it was known that some ten or fifteen miles to the westward of this point the hills rise, and begin to assume the character of a mountain range. If, then, by the adoption of Mr. Livingston's proposal, the line had been deflected from the due north direction to this point, the Americans would have said, now we have found the Highlands of the treaty, for you cannot deny the mountain character of these hills, and they fulfil the river-dividing condition of the treaty, since they throw down streams to the north into the St. Lawrence, and to the south into the St. John, which falls into the Atlantic Ocean. We found, upon inquiry, that the American government still adhered to their interpretation of the treaty of 1783 upon this river question, and the only concession they would make on this point was, that the British and American commissioners to be employed in laying down the boundary should be accompanied by an arbitrating commissioner, to be appointed by some friendly sovereign, and with power to decide all matters, including this river question, upon which the British and American commissioners might differ. But this river question lay at the very root of our claim. We were thoroughly convinced of the correctness of our interpretation of it, and the King of the Netherlands had adopted that interpretation; and it would have been very unwise to have exposed so important a point to hazard by subjecting it to the chance of another decision, by the inferior arbitrating authority of a single commissioner. The question, as I have already said, was whether the Bay of Fundy is or is not, for the purposes of the treaty, a part of the Atlantic Ocean. The British Government had always contended, and in my opinion most justly, that the words of the second article of the treaty of 1783, establish a clear distinction between the Bay of Fundy and the Atlantic Ocean. It was necessary for the purposes of the American negotiators that such a distinction should be clearly established, because without such a distinction, it might have been doubtful whether the Penobscot or the Scondiac was the St. Croix intended as part of the boundary. Both rivers had borne the name of the St. Croix; but the Penobscot has its mouth in the Atlantic Ocean, the Scondiac has its mouth further east in the Bay of Fundy; and in order to shew that it was the Scondiac, and not the Penobscot, that was to be the boundary, the treaty says, that the line is to be drawn along the St. Croix from its mouth in the Bay of Fundy while in the preceding sentence it mentions the river St. Mary as falling into the Atlantic Ocean. Another confirmation of our interpretation is to be found by comparing the wording of the proclamation of 1763 with that of the treaty of 1783. Both of these documents mentioned the same range of Highlands, namely, the range which extends from the sources of the Connecticut to the upper end of the Bay of Chaleurs. The proclamation declared that range in its whole extent to be part of the southern boundary of the province of Quebec. The treaty declared that part of that range which should lie between the sources of the Connecticut and the due north line from the head of the St. Croix to be a portion of the boundary of the United States. But there is a most important difference in the terms in which the proclamation and the treaty describe those Highlands. The proclamation describes them as the Highlands which divide rivers that empty themselves into the river St. Lawrence from rivers that fall into the sea. While the treaty describes them as the Highlands which divide rivers that empty themselves into the river St. Lawrence from rivers that fall into the Atlantic Ocean. Why was the more general term, the sea, which was used in the proclamation of 1763, converted into the more specific term, the Atlantic Ocean, which was used in the treaty of 1783? Why, manifestly in order to establish a clearer distinction between that portion of the sea so intended to be described, and that other portion of the sea which was intended to be described as the Bay of Fundy; and, as on the one hand, for American purposes, the Bay of Fundy was specified in order to identify the river meant as the St. Croix, and which has its mouth in that bay, so on the other hand, the Atlantic ocean was specified for British purposes, in order to identify the rivers flowing to the southward, which the dividing Highlands were to separate from rivers falling into the St. Lawrence. Not choosing, as I have said, to leave the decision of this question to a single arbitrating commissioner, we agreed, however, that commissioners should be appointed by the two governments, who should explore and examine the country, ascertain facts, and report for the information of the two governments; believing that such a commission might furnish the two parties with the elements by which they might arrive at a better understanding. In the course of our communications we had come to an agreement with the American government as to such an arrangement, and we sent them a draft of a convention framed in accordance with that agreement. But when the American government received that draft, they changed their mind; and said, that circumstances which had happened on the frontier led them again to press for the appointment of a commission, which should not merely ascertain facts and report, but should finally decide and settle everything. With this view, they proposed a commission to consist of six; three of whom were to be appointed by each party; with the understanding, that if two on each side, that is to say, four out of the six, concurred on any point, their concurrence should be decisive as to such point; and that all points upon which two on each side, making four on the whole, could not agree, should be referred for arbitration to another commission to consist of three scientific men, one to be named by each of three friendly powers. Anxious to bring this long pending matter to a final settlement, we agreed to this proposal, as we had before assented to the previous one. But then the American government endeavoured to attach to this arrangement fresh conditions, to which we could not possibly agree, and so the matter rested when we went out of office. One of these conditions was, that we should acknowledge Mitchell's map to be evidence bearing upon the question. Now Mitchell's map is well known to be extremely erroneous as to the latitude and longitude of important places. For instance, the upper end of the Bay of Chaleurs is put down in that map, at least, forty miles too far to the north, and the source of the St. John about the same distance too far north also. The effect of these errors is, that if you draw a line from the sources of the Connecticut to the upper end of the Bay of Chaleurs upon Mitchell's map, that line will run entirely north of the river St. John, whereas if that line be drawn upon a correct map, or be traced out upon the face of the country, it will run, as far as the disputed territory goes, entirely to the south of the St. John; we therefore refused to admit Mitchell's map as evidence of the topography of the country; we contended that as no map had been attached to the Treaty of 1783, it did not signify what map had been used by the negotiators of that treaty, and that the questions at issue must be decided by the words of the treaty, and by the real configuration of the country itself. We were ready to agree that each party might lay before the commissioners any maps or documents which they might choose to produce, but we maintained that such maps and documents must be considered only as ex-parte statements, unless their correctness and validity should be acknowledged by the commissioners on both sides. Another condition much pressed by the American government was, that commissioners from Maine should accompany the Joint-Exploring Commission, and to this we decidedly objected. We had all along urged the American government to agree to a conventional line, as we saw no prospect of an agreement in laying down the line according to the words of the treaty. But the federal government had declined our proposal, and the ground they took was this: they said that they could not agree upon a conventional line without the consent of the State of Maine, because a conventional line implied a giving up of some claimed right which had not been disproved; and they could not give up any such right on the part of Maine without the consent of that state. Now Maine had formally refused to consent to a conventional line, had declared its opinion that the boundary could be laid down in strict conformity with the words of the treaty, and had called on the federal government to make another endeavour to do so. But the interpretation of the treaty rested with the federal government alone, and that the government was competent without the concurrence of Maine, to take all necessary steps for carrying the treaty into execution. We had acquiesced in this doctrine. But when the thing to be done was to establish a joint commission to carry the treaty into execution, we held it to be directly at variance with that doctrine, to propose that agents from Maine should accompany that commission. Such agents could have no legitimate functions to perform, and it was obvious that their presence would give rise to perpetual disputes, and would convert the enacampment of the commissioners into a constant field of battle. The pretext upon which the federal government urged this proposal was, that circumstances might arise in the course of the survey which might afford an opening for a negotiation for a conventional line; but the obvious answer to this was, that even if such should happen, our negotiation for a conventional line must be with the federal government, and not with agents from Maine; that it would be for the federal Government, and not for the British Government, to come to an understanding with Maine; and that there would always be time enough for that; and that for such purpose it could in no degree be necessary that agents from Maine should accompany the commission. But the late Government did not confine themselves to these negotiations; we thought it expedient to gain information for ourselves, without waiting for the appointment of this joint commission, and in 1839 we sent out commissioners to survey the two lines of boundary claimed by Great Britain and the United States respectively, and to ascertain by local observation which of those two lines fulfilled most nearly the conditions of the treaty of 1783. Those conditions being, that the Highland range must be continuous to the sources of the Connecticut from the point of its intersection with the due north line from the head of the St. Croix; and that it must in some part of its course divide rivers falling into the St. Lawrence, from rivers falling into the Atlantic Ocean. Two most able and experienced commissioners were appointed for this purpose, Colonel Mudge and Mr. Featherstonhaugh. It is impossible to speak too highly of the skill and scientific knowledge which they brought to bear upon the performance of their duties, nor could anything exceed the personal labour and fatigue which they underwent in order to perform those duties efficiently and correctly. They had all proper aid in the way of assistants to accompany them, and they were provided with every instrument which they deemed necessary or useful; and I am confident that implicit reliance may be placed upon the result of their labours. They returned to this country in the beginning of 1841, and proved by their report that the line claimed by Great Britain did fulfil the conditions of the treaty; that it did divide rivers that fall into the St. Lawrence from rivers that fall into the Atlantic Ocean, and that it was continuous, from its intersection with the due north line, down to the head of the Connecticut. These commissioners had not time to survey the whole of the line claimed by the Americans, but from what they had observed, there was good reason to think that such line did not fulfil the conditions of the treaty. In consequence of this, we sent out a second commission, in the summer of 1840; and this commission, consisting of Captain Broughton, of the engineers, and Mr. Featherstonhaugh, jun., was directed to explore the line claimed by the United States. These commissioners returned at the end of 1841, and it appeared by their report that the line claimed by the Americans in no respect fulfilled the conditions of the treaty. In the first place, it did not constitute a Highland range at the point where it was intersected by the due north line, for that line, as reported by these commissioners, terminates in a low swampy flat near the source of the Metis; secondly, it did not in any part of its course divide rivers falling into the St. Lawrence from rivers falling into the Atlantic Ocean; and lastly, instead of running down in a continuous range to the sources of the Connecticut River, it swept away far to the westward of those sources, and was separated from them by an extensive plain at least five and twenty miles broad. This, then, completely decided the question as to whether the mountain range claimed by the Americans could be the Highlands of the treaty; because even if they had presented the proper character of elevation at the termination of the due north line, which they did not; and if they had divided rivers falling into the St. Lawrence from rivers falling into the Atlantic Ocean, which also they did not; no line of boundary drawn along them could ever reach the sources of the Connecticut, which the treaty required the line of boundary to be drawn along the Highlands to do. Here we had proof, afforded by actual survey, completely establishing our own claim, and completely negativing the American claim, and this proof was still further corroborated by the arguments contained in the report of Colonel Mudge and Mr. Featherstonhaugh, and founded on a minute examination and comparison of official records. These were the proofs then which the present Government had in their possession at the beginning of 1842; proofs which none of their predecessors had had, and which placed them, in regard to this boundary question, in a situation entirely different from that in which any preceding Administration had stood. They had not indeed at that time in their possession other evidence of which we have lately heard so much; they had not then that red-lined map, on which Dr. Franklin one of the American negotiators of the treaty of 1782 had marked down the boundary in exact conformity with the British claim; but that red-lined map was at that time in the hands of the American government; and so, between the English documents on the one hand, and the American documents on the other, the proof of the entire justice of our claim was established in the fullest and most conclusive manner. Thus circumstanced, the British Government had their choice what course to pursue. First, they might have carried into execution the plan, which, in principle, and in all but some of its accessory details, had been agreed upon, between their predecessors and the American government; and they might have established a joint commission for laying down the boundary, with an accompanying arrangement for arbitration in case of difference; and they might have felt the more at their ease as to the probable result of such a commission in consequence of the knowledge which they then possessed, that the features of the country were decidedly in favour of our claim. But they may have thought that this course might be tedious, that the survey might occupy much time, and that it was desirable to settle the matter sooner than could be done by such a survey. In that case they might have proposed to the American government a fresh reference to arbitration. In the present state of the world, an impartial sovereign might surely have been found, willing and able to undertake the task. To such a sovereign we might have referred not only the statements submitted to the King of the Netherlands, but the important and conclusive evidence which had been collected since; and though we were not in possession of Dr. Franklin's red-lined map, yet it seems that in the beginning of 1842, a red-lined map of our own was discovered in the State Paper Office in London, tallying precisely with Dr. Franklin's red-lined map in the Royal Library at Paris. So armed, I think the British Government might have gone fearlessly to another arbitration. But I will admit, for the sake of argument, that the Government may have thought a second arbitration likely to be too dilatory a process, and even with all our proofs, not unattended with risk. They may have feared that the most impartial sovereign might be swayed by some jealousy of the power and greatness of England. A third course was then open to them, that of endeavouring to negociate with the Federal Government direct, for a conventional line. This was the course they adopted; I do not blame them for it; it was what we always wished; but we were repeatedly told that the State of Maine would not consent to a conventional line and insisted on the line being drawn in strict conformity with the treaty; but it was natural to suppose that in proportion as the people of Maine found that the surveys of our commissioners had shewn that the strict execution of the treaty would be all in our favour, they might become more disposed for a conventional line, and less urgent for the strict execution of the treaty. Assuming, then, that a negotiation for a conventional line was to be the course, there were two ways in which that negotiation might be carried on; first, by the ordinary organs of negotiation, that is to say, either with the American Government through our established Minister at Washington, or through the Secretary of State for Foreign Affairs, with the American Minister here; or, secondly, it might be carried on by a special mission. There are advantages in carrying on a negotiation by the ordinary and established organs of the Governments concerned. A negotiation so conducted may not attract much notice; its existence may, indeed, scarcely be known, except to the parties engaged in it; and if it should fail, its failure may escape general observation, and may leave the two parties much in the same relative situation in which they stood before; excepting always the additional inconvenience of its having been found, that at least one scheme of arrangement had proved to be impracticable; and therefore, in general, it is better to negotiate by the ordinary organs, than by a special mission. There is, besides, another inconvenience attending a special mission; for not only does its failure leave, by means of its publicity, the matter which was to be settled, in a worse situation than it was in before, but a knowledge that such will be the consequence of failure, exerts a pressure upon the special negotiator and upon the Government that employs him. No man who goes with pomp and parade upon a special mission likes to come back empty handed; he fears that his want of success will be ascribed, at home, not so much to the unreasonableness of the other party, as to his own want of skill; he will, therefore, always be urging his Government to make every possible concession, rather than let him return leaving the matter unsettled. On the other hand, the Government who has sent him, will not like to have entirely failed; and thus special missions are apt to turn out in favour of that party which is the most pertinacious; and those who have read the papers on the Table, will easily see which party had the advantage in that respect, in this late negotiation. But the Government determined to send a special mission; and I will not take upon me to condemn the prudence of that decision. They may have had sufficient ground for such a course; but then they ought to have been very careful in the selection of the Minister they sent out. The noble Lord for North Lancashire said upon a former occasion, that there could not be two opinions as to the choice they had made, and that the noble Lord who had been sent out, was admitted by universal consent, to be the fittest person for the purpose: I stated at the time that I differed from the noble Lord opposite, and that for various reasons I thought the choice which had been made, was an inexpedient one. Now, in arguing this matter, I trust I shall not be led to say anything inconsistent with the most perfect personal respect for the noble Lord who was employed on this mission. That noble Lord has long held a prominent position in political affairs in this country. He is deservedly respected by all, for his public talents, and is esteemed for his private virtues by all who have the pleasure of knowing him. Nothing can be further from my wish than to say anything which can savour of personal disparagement of that noble Lord; but in this country, if any man accepts public employment, and more especially if there be committed to his charge great national interests, he must expect that those who may think that he has not properly performed his duties, nor sufficiently guarded the public interest, will criticize freely the course which he may have pursued. Now, when we are about to entrust the management of any interest, private or national, to the hand of an individual, we naturally look out for somebody who is heart and soul in our cause; who is convinced that we are right, and thinks that the matter we are contending for is of real importance to us; and especially we are careful that the person so to be employed, should have no conflicting feeling towards the adverse party, by which he might unconsciously be swayed in the performance of his task. Now, the noble Lord in question, has large possessions and a princely fortune in this country, and has interests here of the deepest and strongest nature; but he is also connected by many ties of a similar kind with the United States. Do I find fault with him for this? or do I mention it in disparagement of him? Quite the reverse. I think, that the circumstance that eminent men should be found, possessing large properties in both countries, is not only honourable to such individuals, but advantageous to both nations. Such men are bonds of union between the two; they are links tending to connect the two countries in permanent friendship, and to prevent small differences from assuming a serious aspect. But every man has his use. If the two countries were to agree to appoint one person as sole mediator between them, they might properly appoint a person having almost equal interests in each, and an almost equal desire for the welfare of each; but when the Government are about to appoint a negotiator to fight the battle of the country with an adverse negotiator, whose feelings are all enlisted on the other side, they ought to choose a man who has no connection of any kind with the other party, and it is as well that he should have some knowledge of the practice of negotiation. I know that some persons imagine that in negotiation a plain, simple, straight-forward man will do just as well as the most experienced and skilful diplomatist. But the House may depend upon it that the same rule holds good in negotiation, as in any other employment of the intellectual faculties, and that a man, who has some acquaintance with the practice, will, *cæteris paribus*, have an advantage over a man who has none. But the noble Lord, though long and much engaged in public life, has never, that I am aware of, been employed in diplomatic negotiation. Now was the Government driven by any necessity to appoint an inexperienced negotiator, and had they no other choice? If they wanted a man of great skill and knowledge as a practical negotiator; perfectly conversant with the question to be discussed; intimately acquainted with the country in which, and with the people with whom the negotiation was to be carried on; and remarkable for his conciliatory manners and disposition; they might have chosen Sir Charles Vaughan, many years our representative at Washington, and who was one of the most popular Ministers we ever had in any foreign country. But if the Government thought that the splendour of a title, and the dignity of a peerage were necessary to give full weight to the mission, and if they wanted to unite with those conditions, eminent talents and long experience in the diplomatic profession, there was Lord Heytesbury, one of our most distinguished diplomatists, well known also for his conciliatory manners; and though the course of his professional duties had not led him to have any concern with the question to be treated, yet his great capacity would have enabled him in a very short time, to make himself fully master of it. Either of these men would have been well suited to the purpose; and there was nothing in the political opinions of either, to prevent the most confidential communications between them and the Government. The Government, however, chose Lord Ashburton; and he proceeded to his post, and opened the negotiation with Mr. Webster; making in the very outset a mistake, which arose from his not being sufficiently acquainted with the practice of negotiation. The noble Lord complained in his first note, that it was unfair, that he should be subjected to the disadvantage of having to speak first, and to make the first proposal. Now there seems to me to have been nothing unjust or unfair in requiring the noble Lord to make the first proposal, even if it were a disadvantage for him to do so. It was natural for Mr. Webster to say to Lord Ashburton, you have been sent here by your Government, uninvited, upon a special mission; you have left all the enjoyments of your home, to cross in the midst of the gales of winter the broad Atlantic; you surely must have something to say: you must have some proposal to make—tell us what it is. It was unreasonable in the noble Lord to expect that Mr. Webster was to make a proposal to him. But I do not agree with the noble Lord in thinking that it is a disadvantage to have the first move in negotiation any more than at chess; if that move is skilfully made. If indeed that first move is unskilfully and imprudently made, then in negotiation as at chess, he who makes it may be checkmated, as the noble Lord has certainly been. However, the noble Lord made his proposition, and described it as an ultimatum; and this, I think, was another mistake. It was a mistake so to describe it, if he did not mean to take his stand upon it; if he did not mean to do so, it was a mistake to begin with it. I think it ought to have been his ultimatum; for he ought not to have consented to any territorial division less advantageous to England than that which he at first proposed. But it is unusual in negotiation to make a first proposal, an ultimatum; it is not courteous; it is dictatorial and offensive to the other party. It is the way a very strong power treats with a very weak one; a conqueror with the vanquished. "My first word is my last; take this, or you shall have nothing." Such a course is not consistent with courtesy, either between nations or individuals. Every negotiator wishes to be able to shew to the Government which employs him, that he has gained something by the skill with which he has conducted the negotiation; so that by asking at first something more than you are prepared to take, and by making a little concession afterwards, you give your adversary the means of going back with a feather in his cap; and his feelings are gratified by his being able to shew, that he has obtained for his country, better terms than were at first offered to him. Lord Ashburton's first proposal, in regard to the boundary was, that the line should run along the mid-channel of the St. John, from the point where the due north line intersects that river, up to its southernmost source; with the exception only that the Madawaska settlement on the southern bank of the St. John, should belong to Great Britain. He said, that on general principles he should have been content with the St. John as a boundary, because a river was a good line of demarcation; but he was under the necessity of insisting upon retaining for Great Britain the Madawaska settlement. The people had urgently and recently petitioned the Crown not to transfer them to the United

States; it would be unjust and cruel to abandon them; and in no case could he consent to do so. Now, what said Mr. Webster to this? He replied—A river boundary is no doubt a good one; rivers and mountains are the best boundaries; but you depart from your own principle of a river boundary, when you demand the Madawaska settlement. If we were to give it you, we should have, for a certain distance, a boundary drawn arbitrarily across the country, and marked by no natural feature; and this would be inconvenient. Moreover, let me tell you in a friendly way, that as to the Madawaska settlement, you cannot, and shall not, have it; for we cannot permit you to have a foot of land south of the St. John. To this Lord Ashburton replied—That it was very hard and very cruel to transfer the British subjects in the Madawaska settlement from an allegiance which they desired to retain, to one which was repugnant to their feelings; but if he could not keep them, and must not keep them, why he supposed that he must give them up; and, therefore, although he had said that in no case could he abandon these people, yet, if other points were agreed upon, he would make no insurmountable difficulty about this. Mr. Webster, in the same letter in which he insisted upon having the Madawaska settlement, made his counter proposal for the remainder of the boundary line. He said that a river boundary was undoubtedly one of the best; but then there were rivers and rivers; and though the St, John would make a very good boundary, up to a certain point, yet beyond that point it took a crooked turn, and would not do. He said, that he knew what England wanted as well as, or better than, the noble Lord. All that England wanted, or could possibly want, was a road of communication between New Brunswick and Canada; and that, she ought to have. But the footway between the two, runs first along the St. John, and then up the Madawaska river, and so on by the Temiscouata lake. The boundary ought then to follow this line; to run along the St, John, to the mouth of the Madawaska, up that river to Long lake, and then across to the line claimed by the United States, and so on to the source of the Connecticut. But as the British footway runs along the western bank of the Madawaska, he would allow us a strip of three miles wide along that bank so as completely to include that footway. This proposition produced upon Lord Ashburton an effect somewhat like that which the Chinese said a proposition of theirs produced upon Sir Henry Pottinger, our negotiator at Nankin. The Chinese said, that when they made certain propositions to Sir Henry Pottinger, "The barbarian stared at them indignantly." The British Plenipotentiary at Washington seems indeed to have stared at this proposal of Mr. Webster's, but there was not much indignation in his stare; although this proposition gave to England less than the award of the king of the Netherlands would have given, and we were besides to make several additional concessions which I shall hereafter mention. It was once said by the hon. Member for Finsbury (Mr. Wakley) that governments are made of squeezable materials. But the most squeezable materials may be squeezed so hard that you can reduce them no further; even the air, one of the most yielding of known substances, may be so compressed, that the whole power and art of man cannot get it a hair's breadth further. So was it on this occasion with Lord Ashburton. The Madawaska settlement he was ready to give up, though he had solemnly declared that in no case would he do so. But this further proposition of Mr. Webster's was too much even for him. He protested that it was impossible to submit to it, and that rather than let the boundary fall back from the St. John to the Madawaska, he would himself go back from Washington to London. This was the very thing the Americans were watching for; this was exactly the thing which they wanted to find out. They wanted to ascertain what was the extreme point to which our plenipotentiary could be driven, and what was the utmost extent of concession which could be wrung out of him. Wherever he definitively stopped, there they were prepared to stop also. It is said of the Welsh peasantry, that in making a bargain with an Englishman, they care not so much for the actual amount which they may get, as they do to have the satisfaction of knowing that they have got all which it is possible for them to obtain. So it was with the Americans, they wanted to find out how much it was, by any means, possible for them to get from our negotiator; they had now found it, and they were satisfied. Accordingly, Lord Ashburton's refusal to accept this proposal of the river Madawaska as a boundary was communicated by Mr. Webster to the commissioners from Massachusets and Maine, who had been summoned to assist him in the negotiation; and those commissioners, but especially those from Maine, replied by letters, which beginning with flourishes that seemed the prelude to a rupture ended by a relinquishment, for the sake of peace and concilliation, of the demand which they had previously made. Mr. Webster then proposed to Lord Ashburton another line of boundary, not quite so bad as that which Lord Ashburton had thus rejected; but still giving to the United States a large tract of territory north of the St. John, and therefore beyond the line which our negotiator had begun by proposing as his ultimatum. Now, whether our plenipotentiary was, or was not, right in beginning with an ultimatum, it must surely be clear that having stated his first proposition, as one from which he could not in any case depart, he ought to have stuck to his declaration. It is not consistent with the dignity of a great country, that its plenipotentiary should say one day—"This is my proposal, and beyond this I will not go," and that in the very next step of the negotiation, when he finds his proposal objected to, he should give it up as readily as he had made it. I think he should have taken his stand upon the Madawaska settlement and the line of the St. John. We had in our exclusive possession the whole of what that line would have given us, and as long as we had chosen to keep it, the Americans never could have got it from us. But I will assume, for the sake of argument, that our minister might have been justified in giving up the Madawaska settlement south of the St. John; either being convinced by Mr. Webster's reasoning in favour of a river boundary; or being swayed by any other consideration; or having been instructed by his own government to do so. But I cannot conceive any justification for his acquiescing in Mr. Webster's proposal of a line north of the St. John. His reply should have been, you objected to my proposal that Great Britain should retain the Madawaska settlement south of the St. John, alleging that in that case a part of the boundary would not have been marked by a river, or by any natural feature of the country, but would have been a line to be arbitrarily traced; and now you yourself depart from your own principle of a river boundary, and propose one, of which a considerable portion is marked by no natural feature either of river or mountain, but runs along the country like a steeple chase, crossing and overleaping all natural alignments. When our Plenipotentiary asked for the Madawaska Settlement, south of the St. John, Mr. Webster told him that he could not have it; for that England could not be permitted to retain one foot of land south of the St. John; Lord Ashburton ought to have replied in a similar way to Mr. Webster's demand for territory to the north of that river, and to have said to him, in an equally friendly but in a firm manner, you will not let us have anything south of the St. John, and as a friend allow me to tell you, that we will not permit you to have one foot of land to the north of that river; you cannot have it, and you shall not have it. But could we have made good such a declaration? For nothing certainly can be more unwise than to make a declaration of such a kind, unless you have the means of making it good. Most undoubtedly we could have made it good. No American had ever set foot to the north of the St. John, and none could ever get there but by our permission. The tract of country demanded by Mr. Webster was exclusively in our hands, and if not obtained from us by concession, could never have been wrested from us by force. I am thoroughly convinced, that if our negotiator had shewn upon this question the same firmness which Mr. Webster displayed about the Madawaska Settlement, we should have had the boundary of the St. John, instead of the wretched Boundary of the present Treaty. But I will suppose that he was not warranted by his instructions in holding such vigorous language; still, even in that case, there were other means which, if judiciously employed, might have obtained for us at least the Boundary of the St. John; for the negotiation went upon the assumption that the Boundary should be settled upon the ground of reciprocal considerations and equivalents. But considerations and equivalents presuppose some basis agreed upon by the two parties, and the ill result of this negotiation was in a great measure owing to the erroneous basis on which our Plenipotentiary allowed it to be placed.

I said, that the first move in a negotiation is an advantage, if it is skilfully played; and why? Because it enables the negotiator who speaks first, to choose his own ground, and he is thereby the more likely to arrive at a satisfactory result. Now the basis which Lord Ashburton ought to have taken was, that Great Britain was entitled to the whole territory in dispute; but instead of this he allowed Mr. Webster to place the negotiation on the basis, that the whole territory belonged of right to the United States; and that all that England was to be permitted to retain, was to be bought by her for considerations and equivalents. Lord Ashburton ought to have been instructed to begin by submitting the whole of our case to Mr. Webster, and to have explained to him fully the grounds on which our claim rested. He should have stated our case frankly, without reserve or concealment, as a man anxious to make a good settlement between two friends would do; and he should have invited a communication equally frank and unreserved from Mr. Webster. He might have said, as he did, that he was a plain man, not accustomed to the arts of negotiation, and that he thought a frank and unreserved comparison of cases might be a good preliminary to a fair settlement. He should have laid before Mr. Webster the two reports of our Commissioners, and should have explained their bearing on the case; and he should have exhibited that red-lined map, which was found in our State Paper Office, shewing the Boundary to be such as we claimed it. Who knows what effect such frankness might have produced upon Mr. Webster—who knows, that on the sight of our red-lined map, he might not have exclaimed, 'Well, to tell you the truth, we have got a red-lined map also, and here it is, and I must fairly confess that it tallies exactly with yours.' I cannot help thinking that if this course had been pursued, a different result would have been obtained; at all events, such a course and such an explanation of the proofs of our claim, must have had an effect upon so sagacious a man as Mr. Webster. He might not have acknowledged that his own opinions were shaken, but he must have seen that our proofs might go far to convince an arbitrator. It was a matter of the utmost importance that, in a negotiation of this kind, we should be enabled to shew in the outset, that the strength and merits of the case rested with us. In the settlement of any matter, public or private, which is to be adjusted upon fair and equitable terms, the question, what terms are fair and equitable between the parties, must depend upon the relative justice of their respective claims. That settlement which would be fair if one party is in the right, would be unfair if the right lay with the other party. In a private arbitration the main point to be ascertained is, which party would be most likely to be successful, if the matter ended in a law suit; and that party ought of course to have the best of the compromise. This is human nature. I say then that our Plenipotentiary made two mistakes in the outset of the negotiation. First, in throwing overboard all discussion as to the proofs of the respective claims of the two countries; and secondly, in allowing the American minister at once to place the negotiation on the basis, that the whole territory in dispute belonged of right to the United States, and that all we were to get of it was to be obtained by concessions and equivalents. However, the negotiation had arrived at the point, at which Mr. Webster said, that the most advantageous boundary which we could be allowed to have, was a line up the St. John, from the due north line to the mouth of the St. Francis; thence up the St. Francis to a certain lake, and thence in a straight line across the country to a certain point on one of the northern branches of the St. John, and thence to the source of the Connecticut. This line giving to the United States a large tract of territory to the north of the St. John. I will suppose, that on the one hand Mr. Webster would not consent to any division of the territory more favourable to Great Britain, without some equivalent; and that Lord Ashburton could not, according to his instructions, insist upon a more favourable division, without purchasing it by some equivalent. Were there not several things which our negotiator might have offered as equivalents for this territory north of the St. John? Undoubtedly there were. First, there was the privilege of carrying United States produce, duty free, down the St. John, through New Brunswick; and thence, if we chose to allow it, duty free to this country. This was a great boon to be offered to the people of Maine. It was a privilege they had formerly asked for, and were most anxious to obtain. Here was one equivalent that might have been offered. Then, again, there was the territory at the head of the Connecticut, lying between Hall's Stream, which had been claimed by the United States, and the main stream, which had been declared by the King of the Netherlands to be the true north-westernmost source, and which any man going to the spot must at once see is the main stream. This territory was certainly not so large as that demanded by Mr. Webster, north of the St. John; but it was of more relative value, and was occupied by settlers, while the other was an unpeopled desert. Here was another equivalent. Then there was the long strip a hundred miles in length, and varying from half a mile to a mile in breadth along the forty-fifth parallel, and lying between the old line of Valentine and Collins, and the true line laid down by the American and British astronomers. No doubt could exist that this strip was ours, according to the treaty of 1783. But this might have been given up to the United States, either with or without Rouse's Point, as might have been deemed most expedient. Here was another equivalent, and one which the Americans would have felt to be of great value; because this strip is chiefly peopled by citizens of the United States, who would dislike being transferred to British dominion; and because Rouse's Point is an important military position. Again, there was a sugar island called St. George's Island, between Lake Huron and Lake Superior, containing about 25,000 acres of fertile land, and claimed by us, but which both from its value and its position was desirable to the United States; here was another element of negotiation. To these three last cessions Mr. Webster might have objected that they must of course go to the contiguous States and not to the State of Maine; and that consequently they would not form equivalents for the territory north of the St. John, which, if retained by the United States, would belong to Maine. But the answer to this would have been, we know nothing of the differences between Maine, New York, Vermont, and New Hampshire; in accordance with your constitution we negotiate with you, the Federal Government of the whole Union; to you we give, from you we receive; and it is for you to apportion among your component States the results of our negotiation. But if this objection created a difficulty, there was the mineral district, consisting of 4,000,000 of acres, lying between Lake Superior and the Lake of the Woods, which, if given up, would belong to the Union in the aggregate, and not to any separate State, and this might have formed another equivalent. Here then were a number of things, any one or all of which, if necessary, might have been given in exchange for the territory north of the St. John. But before the negotiation had arrived at the point at which these equivalents might have been offered for the territory north of the St. John, all these things were gone. They had all been given away; spontaneously and gratuitously. Our plenipotentiary had indeed gone over to America with a bag full of equivalents to be used if necessary; but he was so uneasy under the weight of this burthen, that the first thing he did, was to throw down his bag and its contents at the feet of Mr. Webster, to shake it out clean, and to take good care not to leave a single thing at the bottom. Mr. Webster very naturally took up the squandered equivalents, one by one as they were thrown down, and put them one by one into his own pocket, in order that they might not be taken back again. He said, you give us the navigation of the St. John; we are really very much obliged to you; it is a valuable present, and a thing we have long wished for. You have given it us, and we will keep it. You offer us the district at the source of the Connecticut. This is not so important a gift as the other, but still for friendship's sake, I willingly accept it. Again, you say you are determined to give us the long strip along the forty-fifth parallel, including Rouse's Point. This certainly is an important gift; I can assure you we understand the full value of this, and are very much obliged to you for it indeed. But what is this: oh this is a sugar island; thank you very much for it; we have no sugar islands of our own; to be sure you have plenty, but it was very good of you to give us this. As to the 4,000,000 of acres of mineral district, our negotiator was also thanked for it; and Mr. Webster probably thought, that though as yet it can be of little value to either party, still, if British capitalists can be persuaded to lend money to work it, it may turn out a source of much profit to the United States. Thus, were all these things thrown away in the beginning of the negotiation: and when our plenipotentiary wanted something to give in exchange for the territory north of the St. John, he had nothing left to offer for it. Thus situated, he had no alternative but either to break off the negotiation or to submit to the terms that were imposed upon him. He preferred the latter course, and said, " Draw up your treaty as you please; send it me quickly, and I will sign it at once,"—and so it was done. I contend that in this way a treaty has been signed, containing terms disadvantageous to this country; and which, if the negotiation had been conducted with more skill might have been avoided, and which I am very sure we should not have had to submit to, if either of the diplomatists whom I have mentioned had been employed in this business. Why, let me ask, did the Americans insist upon having territories north of the St. John? That district could be of no value to them for any of the ordinary purposes of territory. We have been told by Lord Ashburton, and it was not denied by Mr. Webster, that the territory north of the St. John grows little timber, and that when the timber now upon it shall have been removed, the land is ill adapted for cultivation and settlement; it connects no two portions of the United States territory, but is an excrescence jutting out beyond the rest of their frontier. But it has one, and one only value to them; it is a salient point, projecting into our limits, and interposing between Canada and New Brunswick, by which they will have additional means of threatening us in case of new differences, or of attacking us in the event of war; and it is precisely on this account that they ought not to have been allowed to have it. [*Cheers.*] I know very well what the right hon. Baronet opposite means by that cheer. He means that we were willing to accept the award of the King of the Netherlands, and that by his award this territory was to belong to the United States. I am quite aware of that; but I say it is childish to tell me that because ten years ago the former Government, in a very different state of knowledge as to the proofs of the justice of our claim, and impelled by a sense of treaty obligations, thought fit to submit to that award, therefore the present Government, with full proofs of our right, and unfettered by any treaty, ought voluntarily to accept such disadvantageous terms. It is true that we have retained our roadway from New Brunswick to Canada; but the United States frontier is carried up so near to the St. Lawrence, that in a state of hostile relations they would be able to cut off the communication by land between New Brunswick and Quebec. As to the free navigation of the St. John, those who are advocates for free-trade, in its largest sense, and who think that imports should be exempt from all duties whatever, will view with satisfaction the article of this treaty, by which the produce of Maine, both Corn and Timber, will be admitted duty free into the United Kingdom, upon passing down the St. John through New Brunswick; and it will not diminish the satisfaction of such persons to be told, that as the Americans have opened a water communication between the Penobscot, which falls into the Atlantic, and the Allagash, which falls into the St. John, the produce of a very extensive tract of country may find its way hither duty free, under the stipulations of this treaty. Those, I say, who think that import duties ought to be abolished, and that the whole revenue should be raised by direct taxes upon land, and upon accumulated capital, will, of course, not disapprove of these arrangements. But I do not hold those opinions; and, however anxious I am for a more extended commerce between this country and the United States, I do not see why American produce should be imported into this country duty free, and why we should make this unnecessary sacrifice of revenue which we want. As to the district which we cede at the head of the Connecticut, it might or it might not have been wise to give that up; but at all events, we ought to have had something for it. It was one of the elements of negotiation, and ought not to have been thrown away. As to the strip of land along the 45° parallel, that was certainly a matter of no great importance to us, but a thing of much value to the United States, because chiefly peopled by their own citizens; it was clearly ours, but the surrender of this might have obtained for us some valuable concessions in return. But Rouse's Point was of some importance, and ought not lightly to have been abandoned. It is quite true that when the late Government consented to accept the award of the King of the Netherlands, they agreed to that part of his award which gave Rouse's Point to the United States; and it was one of the sacrifices we were prepared to make to good faith, and a wish for peace. But, at that time, the attention of the British Government had not been so strongly drawn to the military importance of Rouse's Point as it has been since; we were not then as well aware as now, of the value which military men attach to that position. Upon this subject, I need only remind the Government of certain military reports upon the defences of Canada, dated in 1840 and 1841, which they have in their possession, which were drawn up by persons whose authority on such matters they will not, I am sure, dispute; and which explain the great importance of commanding the outlet of Lake Champlain. These reports quote certain other reports made by United States officers, and published by Congress, pointing out that Lake Champlain, which runs deep into the United States, is the best quarter for assembing a force to invade Canada; and that the River Richelieu which runs from Lake Champlain into the St. Lawrence is the readiest road by which such a force could invade our provinces; and that to facilitate such an invasion, or to protect themselves against invasion by us, it was of great importance that they should have the command of the northern outlet of Lake Champlain. Those United States officers add:—

> "The military consequences of the occupation of the outlet of Lake Champlain are so obvious, that it must not be supposed they are not perfectly understood by our neighbours across the border."

But the outlet of Lake Champlain is commanded by Rouse's Point; and I will venture to predict that now that Rouse's Point is ceded to the United States, we shall one of these days have submitted to us a proposal, for which I shall probably vote, to allot a large sum of money for the construction of some citadel further down the Richelieu, perhaps near the Isle aux Noix, to counteract and keep in check the United States fortress on Rouse's Point. Now, even if the present Government had thought that the importance of Rouse's Point has been exaggerated by military authorities, and that Canada can be well defended without it, still it was a possession much valued by the United States, and which ought not to have been abandoned without some corresponding equivalent. As to St. George's Island and the Mineral district, they have little or no political importance, and can only be regarded as representing so much value. In this point of view I do not grudge the United States these acquisitions of territory, though one might have thought that with their vast unpeopled regions, they have already territory enough; but still, I do not see why, in an arrangement between equal powers, the gain is to be all on one side and the loss all on the other. But, after all, is this boundary entirely settled? I do not think it is. For one portion of the boundary is to be settled by the application of the fashionable principle of a sliding-scale. Yes, literally, one portion of this boundary is to be determined by a scale, which is to slide up and down the northern branch of the St. John, till a point is found, which shall be so many miles from one spot, and so many from another spot which still remains to be discovered. The words of the Treaty are these:—

> "From the outlet of Lake Poyenagamook the boundary shall go south-westerly in a straight line to a point on the north-west branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers that empty themselves into the St. Lawrence from those that fall into the River St. John, then the said point shall be made to recede down the said north-west branch of the River St. John to a point seven miles in a straight line from the said summit or crest."

This might really serve for a Christmas puzzle. I only hope that the sliding-scale will produce more satisfactory results when applied to our geographical relations with the United States, than it has in our commercial relations with them. These then are my objections to this part of the treaty which relates to the Boundary Question. I think the negotiation was unskilfully conducted; that we took too low a ground; that we treated upon an unfair basis; that we threw away concessions which ought to have been employed to procure for us better terms; and that the interests, rights, and dignity of the country have been unnecessarily sacrificed. I now come to anther part of this treaty, which has reference to another subject, still more interesting than that of the boundary, because it involves higher considerations, and concerns not merely one province or one nation, but principles of universal application, and affecting the whole of the human race. I allude to articles 8 and 9, which relate to the slave-trade. I am sorry to say, that since the present Government came into power we have made great strides backwards in all that relates to slavery and the slave-trade. One great stride is this Washington treaty, by which we virtually and formally accept from the United States a most inadequate, a most incomplete,—I will not say valueless, because some value it certainly has—but certainly a most insufficient engagement instead of a fulfilment of that article of the treaty of Ghent, by which the United States bound themselves to use their best endeavours to abolish the slave-trade. The tenth article of the treaty of Ghent, between Great Britain and the United States, says, that

> "Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object."

Now no man can say that the eighth and ninth articles of the treaty of Washington are a fulfilment of this promise of the United States to use their best endeavours to accomplish the entire abolition of the slave-trade. Another great step backward that has been made in regard to the abolition of the slave-trade since the present Government came into office was the refusal of the French Government to ratify the treaty of the 21st December, 1841, for the mutual right of search, which had been concluded between England, France, Austria, Prussia, and Russia. The history of that treaty is well known to this House. It is shortly this. In 1831 and 1833, the British government concluded with that of France treaties giving the mutual right of search for the suppression of the Slave Trade. England had long known and felt that the mutual right of search was indispensably necessary for the suppression of the Slave Trade. It is indeed but too true, that as long as the condition of slavery anywhere exists, the Slave trade cannot be entirely nor permanently extinguished, because there will always be a great temptation to carry slaves to those countries where slaves may be bought and sold; and nothing can completely put an end to the Slave trade, but the universal abolition of slavery itself. But even during the continued existence of slavery, we may greatly keep down the slave trade, and reduce it within infinitely narrow limits by an active and watchful police on the sea. But such a police cannot be exercised without a mutual right of search; and that mutual right of search will be ineffectual and liable to be eluded, until it shall have been consented to by treaty by every state that has a flag flying on the ocean. And this you may depend upon, that in every country, be that country which it may, in every country where a clamour is raised against the mutual right of search for the suppression of the slave trade, at the bottom you will find, as the instigators of that clamour some slave trading or slave holding interest. Of this there cannot be the slightest doubt. Now the late Government felt the great importance of getting all the naval powers and states of Christendom to unite in a general league for the suppression of the slave trade; and immediately on coming into office, we addressed ourselves to France, and obtained from her the treaties of 1831 and 1833, which were greatly to the honour of both countries; and the effect of those treaties was, to put an end at once to the slave trade, which, up to that time, had been carried on under the French flag. England and France then addressed themselves to Austria, Prussia, and Russia, and requested those powers to accede to the treaties of 1831 and 1833; and there being among the subjects of those powers no slave traders or slave holders; and the governments being therefore free from the sway of any sinister influences; they most readily agreed to join with England and France in our endeavours to accomplish the great object we had at heart. As a matter of international etiquette, however, these three powers declined acceding to the previously concluded treaties between England and France, but said that they were perfectly willing to conclude, as original contracting parties, a new treaty with England and France, of the same nature and effect. There could, of course, be no objection to this proposal, and it was agreed to by England and France. The English Government thought this a favourable opportunity for making some slight improvement in the treaty which had been concluded with France; the principal one was an extension of the geographical limits, within which the right of search was to be exercised according to the treaty with France. Those limits were narrow, and although they had been found sufficient for the extinction of the French slave trade, we thought it would be better to enlarge them, in a treaty which was intended to prevent the slave traders of Spain and Portugal, and of Brazil, from seeking shelter and protection under the flags of Austria, Prussia, and Russia. We therefore proposed to insert in this new treaty the wider limits which are specified in our treaties with the Netherlands and with Spain. After a good deal of negotiation about matters of detail, all the parties had come to an understanding, and the treaty was pretty near ready for signature, when there arose the unfortunate differences between France and the other four powers about the affairs of Syria. Of course, while those differences lasted, we could not ask the French government to sign this slave trade treaty. But on the 13th July, 1841, France signed the treaty of the Dardanelles with England, Austria, Prussia, Russia, and Turkey, that is to say, with the very same powers who had been parties to the treaty of the 15th July, 1840, the original cause of her irritation. This treaty of the Dardanelles was one of much political importance, but especially so at that moment, as being a token and a public announcement of the reconciliation of France with the five powers who had engaged in the treaty of the 15th July, 1840. Before we left the room, after signing that Dardanelles treaty, I asked the French plenipotentiary if he was then ready to sign the slave trade treaty which had been so long delayed. He told me, that not being ambassador, but only *charge d'affaires*, his authority to sign the Dardanelles treaty had been special, and confined to that treaty alone, and he had therefore no power to sign the other. I begged him to apply to his government for such power, and he said he would. After a time the answer of his government came; and it was, that in the usual course of office the draft of treaty had been referred to the Marine department; that there were still some forms of routine to be gone through in regard to it; and that till those formalities were complete, which might still take some weeks, the authority to sign could not be sent. Of course we saw that this was a civil way of declining to sign that treaty at that time, and we naturally concluded that the signature of that slave trade treaty was reserved as a compliment to our approaching successors. This suspicion of ours has since been confirmed by an official declaration in the French Chambers, that the French government had declined, under the influence of personal feeling to sign the slave trade treaty with the British ministers who had been the authors of the treaty of the 15th July, 1840. It is always unfortunate when personal feeling is allowed to sway national affairs; and if the French government had not given way to personal feeling on that occasion, they might, perhaps, have avoided much embarrassment which they have had to contend with since; because, if they had signed that treaty then, the ratifications would have been exchanged within two months afterwards, and thus the transaction would have been completed long before the French chambers met, and no Parliamentary opposition could have been raised up to interfere with the ratification of the treaty. It is also still more to be regretted that this personal feeling should have prevented the French government from signing a treaty which had no political objects in view, which was to confer no advantage on Great Britain, and which was only destined to promote the cause of humanity, and to put an end to a great crime; while that same personal feeling did not prevent them from signing the other treaty which I have mentioned, which was purely of a political nature, and which however important, must on that account be considered as standing on much lower grounds than the one which they declined to sign. Seeing what the French government meant, we of course acquiesced. There was indeed no refusual to sign, but we saw that the delay would continue till our successors came into office. All we wished was that the slave trade should be put down. It would no doubt have been gratifying to us, if we, who had negotiated this business, and had brought it to a conclusion, could have seen it finally disposed of in our own time. But we satisfied ourselves with the hope and belief that the treaty would immediately be signed by our successors; and that by the end of

September or the beginning of October, the matter would be concluded. What then was our astonishment to find when the treaty was laid on the Table, that it had not been signed till the 21st of December. I know too well how overwhelming are the duties of the Foreign-office at all times, and more especially during the first few months after a new administration has come in, to impute any blame to the Government for this delay; it would be unfair and uncandid to do so. The cause of the delay may have been elsewhere, but even if it arose from oversight on the part of the Government here, they could not be expected to foresee that in consequence of the delay the French government could refuse to ratify a treaty which France herself had concurred to propose. But the treaty not having been signed till the 21st of December, the French chambers met before the expiration of the two months allowed for ratification; and then was got up a clamour against the treaty, avowedly excited, in a great degree by the American minister at Paris; and this led to the circumstance on which the French government founded their refusal to ratify the treaty. That circumstance was an address from the French chamber to the Crown, not praying the Crown to withhold its ratification, but expressing a hope that in the execution of the treaty, due care would be taken of the rights and interests of France. Now as a treaty cannot be executed until it is ratified; this address actually assumed that the treaty would be ratified by the French government. Upon this address however, the French government founded their refusal to ratify, but as we had been told by the Government of France that the British Government made no complaint or remonstrance whatever on this matter, we must suppose that they were satisfied that the French government had some good reason for its refusal, and upon that matter I will not now give my opinion. But I cannot refrain from noticing a new doctrine of international law which which has lately been promulgated on this subject in France, and by high authority; and which being founded in error, tends, I think, to shake that confidence which ought to exist between governments. It has been publicly asserted that a sovereign may justly refuse to ratify a treaty signed on his behalf by a duly authorised and duly instructed Plenipotentiary, if after the signature of that treaty, such sovereign should find that it clashes with the interests or the wishes of his subjects; and in support of that doctrine it has been asserted, that it was acted upon recently by the king of the Netherlands, who it was alleged, refused to ratify a treaty which had been signed by his plenipotentiary with a plenipotentiary of the king of Prussia. Now I apprehend that all the best writers on the law of nations concur in stating that there are but two grounds on which a sovereign can properly refuse to ratify a treaty which has been signed by his plenipotentiary; the one is that the plenipotentiary signed without instructions; the other that in signing he violated or exceeded his instructions. But neither of these reasons can be assigned by the French government in this case. Then as to the Commercial Treaty about Luxemburgh, between Prussia and the Netherlands, the assumed non-ratification of which has been quoted by the French government as a precedent for their refusal to ratify the Slave-trade Treaty, I have been informed, by what I consider good authority, that they are entirely mistaken in that case. The King of the Netherlands did indeed at first demur about ratifying that treaty, in consequence of some dissatisfaction in regard to it, expressed by his Luxemburgh subjects: but ultimately he did ratify it, and just as it had been signed, and without any alterations or modifications whatever. The doctrine therefore is unsound, and the example does not bear it out. But whether the French government were or were not justified in refusing to ratify the slave-trade treaty of December 1841, their having refused to do so, is a great stride backwards in regard to the suppression of the slave-trade, and I will shortly explain to the House why. It is well known, that for several years past, the United States government has persisted in refusing to agree to any treaty with England for the mutual right of search for the suppression of the slave-trade. This, indeed, was not always the case; there was a time when they were willing to do so. In 1824, they themselves proposed to England and France, a treaty for the mutual right of search. They actually concluded with England a treaty to that effect, and as the House well knows, the only reason why that treaty did not come into operation was, that upon ratifying it (for they ratified as well as signed it) they inserted some restriction as to the geographical limits of the right of search, and the British Government, not choosing to acquiesce in alterations made in a treaty by means of a ratification, refused to ratify the treaty which had been so altered. The British Government, moreover, may have thought that the alteration would tend to impair the efficiency of the treaty. Perhaps it was unfortunate that we did not get over this objection; but so it was, that up to that time the Americans were anxious faithfully to fulfil the obligations which they had undertaken by the treaty of Ghent. Of late years, the increased exertions in this country for the suppression of the slave-trade, coupled with the abolition of slavery in our colonies, have created an alarm in the slave-holding States of the Union, and public opinion there has undergone a change. National jealousy has been artfully roused, and a strong repugnance has been expressed to the mutual right of search. But the late Government intended, whenever the treaty between the Five Powers should have been completed, to have proposed to the other Four Powers, that the five should go in a body to the United States, and request them to accede to that treaty; and if England, France, Austria, Prussia and Russia, the five greatest powers of Europe, including three of the greatest naval powers of the world, had agreed to this treaty, and had gone to the United States, saying,—that to put an end to a great crime which disgraces mankind, they had forgot all differences, and had laid aside all rivalship and petty jealousies; that they entreated the United States, in the name of all that was good, to join them, and to do at their urgent request now, that which the United States had themselves been spontaneously anxious to do in 1824; if this step could have been taken, I will not venture to assert that such an appeal must necessarily have been successful, but I am sure that it must have had great weight with the United States, and that much good must have resulted therefrom. The Americans themselves saw the matter in that light. General Cass, at Paris, saw it in that light; and it was in consequence of his so viewing it, that, as American envoy at Paris, he made those exertions which led to the refusal of the French Government to ratify the treaty, and thus prevented the Five Powers from asking the United States to accede to the treaty. There can be no doubt that by this event the cause has lost much ground, which I fear it will be difficult to recover. This, then, was a great step backwards in regard to the suppression of the slave-trade, and no less a step backwards was the treaty of Washington. All the world has so regarded it; France in particular so regards it. She immediately declared, that if England is satisfied with such an engagement from America as is contained in this treaty, she ought not to demand more from France. "Why," exclaim the French, "does England expect that our merchantmen should be subjected to the right of search, when vessels sailing under the American ensign are placed by special treaty on a different footing? The United States are as much bound by treaty as we are, to put down the slave-trade. Why should one kind of fulfilment of that obligation be accepted from them, and a different one be required from us?" These arguments are indeed easy to refute, but they have been vehemently urged, and the effect of the Washington treaty has been not only to make an injurious concession to America, but to involve us in difficulties with France. But this is not all; another step backwards is the letter which was addressed last year by the Secretary of State for Foreign Affairs to the Lords of the Admiralty, about the destruction of slave factories on the coast of Africa. It is well known, that the way in which the Spanish, Portuguese, and Brazilian slave-trading pirates carry on their traffic is this: they settle themselves on the coast, not within any colony belonging to any European power, but on the territory of some small independent chief. There they build storehouses, and what are called barracoons. The storehouses are to hold the goods by which they purchase slaves; the barracoons are to hold the slaves so purchased; and these buildings are constructed to hold many hundreds at a time. These establishments are defended with cannon, and garrisoned by well armed men. The native chiefs are overawed by superior force, or bribed by the profit which the slave-trade holds out to them; and thus these slave-traders carry on their traffic with security. Their mode of proceeding is this: the resident agent collects a number of slaves from the native merchants who bring them from the interior, and the slaves so collected are kept confined in the barracoon till the vessel arrives which is intended to carry them away. The vessel is sent out from Cuba or Brazil, or from some other place, laden with the goods which are to be given in payment for the slaves. She arrives off the place where the barracoon is; the cargo is landed and stowed away in the storehouses; the slaves are embarked and stowed away in the hold; a few hours are sufficient for this operation; and away goes the vessel, with a fair chance, by the rapidity of the process, of escaping the vigilance of our cruizers. It has been found by experience that one of the best ways of checking the slave-trade is to destroy these factories. This was first done by Lieut. Denman, in consequence of his boats having been fired at by the garrison of one of these establishments. He acted on that occasion on the spur of the moment, and without previous instructions; but his conduct was approved of, and he was rewarded by promotion for his zeal and activity. Afterwards instructions were sent out to our cruizers on the coast of Africa to do the same thing whereever it could be effected. The way it was done was this: We landed with the consent of the chiefs, burned the barracoons, and carried off the slaves for emancipation, leaving the chiefs to do what they liked with the contents of the storehouses. Thus all parties were satisfied except the slave traders. We had the gratification of performing an act of humanity, the negroes obtained their freedom, and the chiefs carried off the blue baft, and paid themselves the debts due to them by the slave traders. But the noble Lord at the head of the Foreign Office, wrote a letter to the Admiralty last year, which has been generally understood by persons who take an interest in these matters, as intended to condemn our proceedings, and to forbid a repetition of them. For my part, I own I do not so understand the letter; for it does not seem to me in reality to rescind the instructions of the late Government. But, though it does not forbid a repetition of our proceedings, it appears to cast blame upon them, and thus it is calculated to give encouragement to the slave traders. I hope, that before the close of this debate we shall have some explanation on this point from some Member of the Government, and that we shall be assured that measures of this kind, which are so effectual for the suppression of the slave-trade will not be discontinued. These, then, are three great strides which we have made backwards in regard to the suppression of the slave-trade, and I have witnessed them with great regret. An objection connected with this subject has been raised by many to the 10th Article of the Washington treaty, which relates to the mutual surrender of persons charged with criminal offences, and who may have fled from the one country to the other. It is feared that this article will enable American slaveholders to recover fugitive slaves who have made their escape to the British provinces, and who when there, by our law become free. It is thought that such slaves will be charged with the offence of robbery, upon the pretence that they have stolen either the clothes on their back, or the means used for their escape; or else that they will be accused upon false affidavits, of crimes which they never committed, and that once delivered up on such charges they will be again consigned to slavery. I own I do not share in these apprehensions; I am persuaded that matters will be so ordered by her Majesty's Government, that no such evasion of the clear intent and obvious meaning of the treaty shall be permitted. But while adverting to this matter, I cannot help observing upon the correspondence between Lord Ashburton and Mr. Webster on the subject of the *Creole*, which I have read with great regret. Mr. Webster, in his letter, lays down the doctrine that an American merchant ship is American territory, and is to be treated and respected as such, let her go where she will; that whatever foreign port she may enter, she carries thither all the immunities of the American soil, is protected by all the peculiarities of the American law, and remains exclusively subject to its jurisdiction. That slaves embarked in such ships continued to be American property even in a British port, and ought not when there to be set free, by the operation of the British law; and Mr. Webster calls on Lord Ashburton to engage that the British Government shall instruct its colonial authorities not to exercise what he calls an officious interference with regard to slaves on board American ships driven by stress of weather, or other causes into a British port. That is to say, not to give to such slaves the protection which the law of

England gives them a right to claim. And Mr. Webster intimates that the practice of setting free, by the operation of British law, American slaves found in an United States ship, which may be driven by stress of weather into a British port, will be "a dangerous source of future collisions." Lord Ashburton in his reply gives but too much countenance to the doctrines laid down by Mr. Webster, and enters into an engagement on the part of his Government, that instructions shall be given to the governors of the British Colonies, that no such officious interference as that complained of, shall in future take place. That is to say, he virtually promises that American slaves, confined in American ships, driven by stress of weather into a British port, shall not be meddled with. But I say it is not for the American and British Governments, but for the law of England, to determine how slaves entering a British port shall be treated. The noble Lord appears to have bound himself that Mr. Webster's demands should be complied with; but Mr. Webster's demand was, that American negro slaves should be considered as American chattel property, and should be treated in a British port in the same manner in which they would be treated in an American port. This was setting aside in British ports the operation of British law, which, finding slaves within its authority, restores them to liberty without regard to their masters. But our Plenipotentiary seems on this occasion to have forgotten what had previously passed on this subject, as well as the bearing of the law of England on the matters which he was discussing. The principle put forward by Mr. Webster in the case of the *Creole* had been argued by the two Governments before. The House will find in the miscellaneous estimates of 1839, some papers on which a sum of money was voted as compensation to American citizens for the loss of slaves set free in British colonies; and in those papers will be seen a statement of the doctrine maintained by the British Government on the subject in question. The cases were those of three American ships, the Comet, Encomium, and Enterprize, employed in transporting slaves from one port of the United States to another. The two first were wrecked on the Bahamas, and the crews and slaves were carried to Nassau, where the slaves were set free. This happened before slavery was abolished in our colonies. The third ship, the Enterprize, was driven by stress of weather into Bermuda, in February, 1835, after slavery had been abolished in our colonies by law. The authorities of the island interfered, whether of their own accord, or being called upon to do so, I am not sure. They took the slaves away from the illegal confinement in which they were held in the vessel, and set them free. The United States government applied to that of Great Britain for compensation in these three cases, for the owners of the negroes, on account of the loss they had sustained by the emancipation of their slaves. Now what was the answer given by the British Government? In regard to the two first cases we said, that the vessels had been wrecked, and the slaves had been liberated on British ground, while slavery was still lawful in the British colonies, and slaves were then legal property in our colonies as well as in the United States. The claimants, therefore, were lawfully possessed of their property within our colony, and having been deprived of that property by the act of the British authorities, they were entitled to compensation. But with regard to the Enterprize we said the case was different; when that vessel entered Bermuda, slavery had been abolished throughout the British dominions. No man, whether English or American, could at that time be lawfully possessed of any slave in a British territory. The applicants therefore laid claim to property which our law did not recognise. That property wa taken from them by the legitimate interference of our colonial authorities, and, therefore, we refused compensation. But more than that, we informed the United States government, that the same principle would always thenceforward be acted upon; and that in any case of the same kind, in which American slaves should be set free in a British colony, no compensation could be granted. And did we give that answer upon our own judgment and responsibility? No; we took the opinion of the law advisers of the Crown, and we framed our answer according to that opinion. The report which we received from them, and which I will quote, says—

> "In the former cases (that is to say in the cases of the Comet and Encomium), the owners were lawfully in possession of their property within a British port, and were disturbed in their possession of them by a British functionary. But not so, in the case of the Enter-

prize; because slavery had then been abolished throughout the British empire. The property of an owner would continue when the ship containing that property is driven by stress of weather into any foreign port; and the owner would be aggrieved were he to be deprived of what belonged to him by the municipal law of the state, to which he had not voluntarily submitted himself. But slaves are human beings; (a fact which our Plenipotentiary seems to have forgotten), and are to be heard before their fate is decided upon. Here there are three parties to the transaction; and those who before were slaves, when they come into a country where slavery is unknown and forbidden, are instantly in the situation of aliens who have always been free. They can in no shape be restrained of their liberty by their former master, any more than by a mere stranger. If they were given up to him they would be aggrieved, and would be entitled to sue for damages. But it would be absurd to say, that when a state prohibits slavery, then as often as a slave-ship takes refuge in one of its ports, a liability must be incurred either to the owner of the slaves if they be liberated, or to the slaves if they be given up. Where slavery is prohibited, the law of nations cannot be considered as violated by the municipal law, on the slaves being liberated; according to the law there is no wrong, and there shall be no compensation, slavery being now abolished throughout the British empire, there can be no well-founded claim for compensation in respect to the liberation of slaves, who may come under any circumstances into the colonies, any more than into the mother country."

But Lord Ashburton did not take this ground; on the contrary, I find he says in his letter of August 7th, 1842, to Mr. Webster,—

"Our object is rather to look to the means of future prevention of such occurrences."

Those occurrences being the liberation of American slaves in a British port, by the operation of the British law.

"That this may be attained I have little doubt, although we may not be able immediately to agree upon the precise stipulations of a treaty, on the part of Great Britain; there are certain great principles too deeply rooted in the consciences and sympathies of the people for any Minister to be able to overlook, and any engagement I might make in opposition to them, would be instantly disavowed. But at the same time that we maintain our own laws within our own territories, we are bound to respect those of our neighbours, and to listen to every possible suggestion of means of averting from them every annoyance and injury. I have great confidence that this may be effectually done in the present instance; but the case to be met and remedied is new, and must not be too hastily dealt with. You may, however, be assured, that measures so important for the preservation of friendly intercourse between the two countries shall not be neglected. In the mean time, I can engage that instructions shall be given to the Governors of her Majesty's colonies on the southern borders of the United States, to execute their own laws with careful attention to the wish of their Government to maintain good neighbourhood; and that there shall be no officious interference with American vessels, driven by accident, or unlawful violence, into those ports. The laws and duties of hospitality shall be executed, and these seem neither to require nor to justify any further inquisition into the state of persons or things on board of vessels so situated, than may be indispensable, to enforce the observance of the municipal law of the colony, and the proper regulations of its harbours and waters." [*Cheers.*]

Yes, I understand that cheer, it relates to the expression, "the municipal law of the colony." I will advert to that in a moment. Mr. Webster accepts the engagement of our plenipotentiary as a promise that hereafter there shall be no "officious interference" of our colonial authorities to set free slaves, confined in American ships, driven by stress of weather, or other causes, into a British port; and he adds, that—

"He indulges the hope, that actuated by a just sense of what is due to the mutual interests of the two countries, and the maintenance of a permanent peace between them, her Majesty's Government, will not fail to see the importance of removing, by such further stipulations, by treaty, or otherwise, as may be found necessary, all cause of complaint connected with this subject."

Now, I quite understand the cheer which I heard just now. It meant that Lord Ashburton, in fact, did not promise what Mr. Webster wanted, because he made a reservation, that our colonial authorities were to inquire into the state of persons and things on board of American ships so driven into our ports, as far as may be necessary for the observance of the municipal law of the colony, and Gentlemen opposite meant to imply that which is perfectly true, that such municipal law requires, that on application for a writ of *habeas corpus* being made, all the slaves in such ships shall be set free. But did our plenipotentiary mean this? Certainly not; he was evidently not aware of the force of the words he was using, and by municipal law he must have meant rules of police, and port regulations; and it was clearly in that sense that Mr. Webster accepted his engagement. If, indeed, our plenipotentiary attached to the words "municipal law of the colony," the same meaning which is applied to them by Gentlemen opposite who cheered me just now, and if he was aware that that law would set the slaves free, then the noble Lord was employing words which Mr. Webster was to understand in America in one sense, and which the noble Lord was to construe in England in a sense exactly opposite; and he was sheltering himself under a quibble unworthy of a British Minister; but I am convinced that this was not the case. I do hope and trust, however, that the Government will this night put upon those words their true and proper construction, and tell this House boldly and manfully, that they hold negroes within British jurisdiction to be as much entitled to the rights of hospitality, as the masters who were their owners before they entered our ports; and I trust we shall hear that our colonial authorities have been instructed to continue to exercise what the Americans are pleased to call an officious interference; and that no slave will enter a British port, whether in a colony or in the mother country, for the law is now the same in both, without being immediately set free. An American slave-owner ought to feel that if his slave-ship enters a British port, it is to him, as far as his slave property is concerned, as if she had foundered at sea; excepting only that he will have the consolation to think that his ship and his crew are safe, and that his slaves, instead of having perished by a miserable death, have entered, as it were, upon a new life of freedom and civilization. In fact, it is not possible to tell our colonial authorities what Mr. Webster asks, for it would be to tell them not to execute the law. I hope, therefore, to hear from her Majesty's Government that they have no intention of entering into any such stipulations as Mr. Webster appears to expect, and that they will maintain, without evasion or reservation, the ground on which the late Government took its stand in regard to the case of the Enterprize. I can only say, that if they depart from that ground, it will, in my opinion, be exceedingly disgraceful to the British name. Well, then, Sir, these are my objections to this treaty. But we are told by its defenders, that bad as it is, it has, nevertheless settled all disputes, and insured henceforward perpetual sunshine, and undisturbed peace, harmony, and good-will, between the two countries. Why, Sir, but a few weeks had elapsed after the signature of the treaty, when a very different story was told to our plenipotentiary himself. Before he left the American shore, he attended two dinners, the one at Boston, the other at New York; at these dinners, while the roofs were ringing with the triumphant shout of the exulting assembly, who felt as Americans, that they had gained a great diplomatic victory over our negotiator; in the midst of the vociferous acclamations with which the announcement of the treaty was received, our plenipotentiary was bid to remember, that all questions between the two countries were not settled; that there still remained great and important points of difference; and he was plainly and distinctly admonished, that firm and lasting peace must not be expected, unless all those other questions were settled in the same spirit as the Boundary Question, that is to say, by complete concession on the part of England to the demands and pretensions of the United States. And has nothing else occurred to the same effect? When Parliament met, the right hon. Baronet was asked whether he acquiesced in the interpretation which the President of the United States, in his recent message to Congress, had put upon the effect of the Treaty of Washington, as to the differences which had arisen between the two countries, in regard to the right of ascertaining the nationality of suspected vessels. In reply, the right hon. Baronet flatly contradicted the President; a proof that this Treaty has at least not hitherto succeeded in establishing a perfect understanding between the two Governments. Then there is another Boundary Question still unsettled, relative to what is called the Oregon Territory, on the banks of the Columbia River, on the west coast of North America: what has happened lately about that question? Why, the Senate have actually passed a bill for immediately taking forcible possession of the whole of that territory, and the Senator who brought in that bill, expressed his conviction that the American claim to this territory would immediately be acquiesced in by Great Britain, if it was only urged in what he was pleased to call a proper manner. It is impossible, I conceive, that this bill should pass the other branches of the legislature; but if it were to pass, and to be acted upon, it would be a declaration of war. It would be the invasion and seizure of a territory in dispute, by virtue of a decree made by one of the parties in its own favour. Thus, even before this vaunted Treaty, which was to settle all disputes, extinguish all differences, and secure perpetual peace, has come into operation, new differences have arisen, and old ones have been revived. A fresh proof how true it is that undue concessions, instead of securing peace, only increase the appetite for aggression; and depend upon it that if we go on submitting to every pretension of every foreign power, and conceding every thing which may be sternly demanded of us, we shall be driven at last to a point, at which war will become inevitable, but will be begun at a disadvantage. I have mentioned the public dinners which our Plenipotentiary attended at Boston and at New York; and I cannot quit the subject without expressing the pain and regret with which I read the language held by the noble Lord upon those occasions, coming as it did from a person holding a commission from the Crown, and addressed to an assembly of foreigners. The noble Lord spoke of Boston as "the old cradle of American Liberty and Independence," and called it on that account, "a hallowed spot." I can understand a man, and should not be disposed to differ from him, who should say, that we were wrong in our quarrel with our North American provinces; that our war with them began in injustice, perhaps as great as the incapacity with which it was carried on; but no man can deny that the loss of those colonies was a great blow to the power of the British Empire, and that our feebleness in the war much lowered our military reputation. I can, however, comprehend a man who should say that he would rather that the power of the British Empire should have suffered the injury which the result of that American war inflicted on it, than that the British Constitution should have had to sustain the shock which would have been produced by the success of our illegal attempt. But such a preference could only be a choice of evils; and I cannot conceive that any Englishman can look back with satisfaction to that disgraceful period of our history, when we proved ourselves both weak and wrong. It ill becomes an Englishman to exult in the humiliation of his country, or to find a topic for triumph in her defeats; least of all, when addressing an assembly of foreigners, whose fathers gained the double victory of right and of might over our own; and when the person who so addresses them, still holds a high commission under the British Crown. I shall now conclude. I think I have shewn good grounds for asserting that the negotiations which led to this treaty were ill conducted, that the treaty is disadvantageous, and that if matters had been more judiciously managed, far better terms might have been obtained. But there the treaty is; it has been concluded, and has been ratified; and even if the ratifications had not yet been exchanged, ill as I think of the treaty, I would not wish the ratification to be withheld; for I should be very sorry to see the Crown of England refuse to ratify a treaty which had been concluded by a duly authorised plenipotentiary. I know that many people think that this treaty will lay the foundation for permanent good-will and friendly feeling between the two nations. I wish it may do so; but I fear that by placing the United States in a better military position in regard to us than they occupied before, and by inducing them to think that we shall yield whenever they hold out, it will encourage them to press upon us unjust demands, and will afford them increased means of supporting such pretensions; and that thus, instead of securing peace, it will prove the source of new quarrels. I shall most sincerely rejoice if I am wrong, for sure I am that nothing could be more calamitous to both countries, than a war between Great Britain and the United States. I will endeavour to hope, however, that this truth may be felt in America as well as here, that the concessions we have now made, instead of rendering the United States more unreasonable in future, may incline them, through a sense of justice, to be more moderate on other matters; and that thus the expectations which the Government entertain of solid friendship between the two countries may be fully and amply realised.

Sir *Robert Peel* said, the noble Lord has occupied nearly three hours [*a voice*, "more"]—the noble Lord has occupied more than three hours in stating to the House his reasons for asserting that her Majesty's Government have acted unwisely and improperly in the selection they made of a representative of the British Crown to negotiate on behalf of this country, in bringing to a satisfactory settlement disputes which had lasted more than a quarter of a century. The noble Lord has attempted to show, that those negotiations have been ill-conducted, that the terms agreed to were unfavourable to Great Britain. The noble Lord denounced the treaties; he denounced the parties to those treaties; and yet the House cannot have forgotten that the powerful party, of which the noble Lord is one of the heads, attempted for years to bring that question to a satisfactory issue, and attempted to do so in vain; yet now, the noble Lord does not think it inconsistent with his public duty to make the motion which is at present before you, and to deliver the speech which you have just heard. The noble Lord tells you, that I told the hon. Member for Montrose, that I did not propose to lay those papers before the House. What was the exact state of the case? When the hon. Member put that question to me, I did state that I conceived it would be prejudicial to the public service to lay before the House the whole of the correspondence between Mr. Webster and Lord Ashburton; but when the noble Lord thought proper to give notice of a motion upon this subject, I said I would give all the materials which might be necessary for bringing that motion with the fullest effect before the House, and accordingly I laid upon the Table every paper and document necessary for the purpose of making out any case which the noble Lord might think necessary, in order that there should be no technical objection or difficulty whatever; but it must now be obvious to the House that the noble Lord has evaded the opportunity thus afforded to him in a manner most unworthy of the position which he occupies. The noble Lord well knows that I afforded him every facility, if he so thought fit, to move a vote of censure upon us and upon the representative whom we selected. He well knew, that if he felt himself warranted in moving against us a condemnation of the treaty, and of the negotiations which preceded that treaty, he might have done so without encountering any technical or official difficulty; but, if he had done so, I should have met such a motion by an amendment distinctly approving of the course which we have taken from the outset, and confirming the conclusion to which we have conducted the whole proceeding; and the noble Lord knows that that amendment would have been carried by a very large majority of this House. The noble Lord says, he has sufficient materials to enable him to judge of the principles of that treaty—he has sufficient to enable him to pronounce that the negotiations have been most unwisely and improperly conducted—that the terms of the treaty are insufficient and inequitable; and holding his position, and with these opinions, the noble Lord thinks it a manly and becoming course to call for papers which I have already intimated that I do not think it consistent with the public interest to produce. The noble Lord says, that the treaty is now ratified, and on that ground he would not now propose a vote of condemnation. That was not the ground taken when Lord Sidmouth concluded the treaty of Amiens. That treaty had been ratified, when Mr. Windham and Lord Grenville who thought it unwise and unjust, did not shrink from the manly course of calling on the House to express an opinion upon it. In 1783, when the peace of Versailles was made, it was made, and after it was beyond the control of Parliament, the treaty having been ratified and the ratifications exchanged, Lord John Cavendish did not shrink from calling upon the House to declare its opinion upon the treaty. He moved a resolution, distinctly implying that the treaty ought to be adhered to, but censuring those by whom it had been concluded. The result was, the affirmation of the treaty, and the exclusion from power of those by whom the treaty was ratified. The noble Lord has no pretext, therefore, for avoiding a resolution condemnatory of the treaty, on the ground of its being ratified, because it would be quite consistent for the noble Lord to move the affirmation of the treaty, and to provide for its ratification, and at the same time condemn those under whose auspices it has been concluded. I will now take notice of the principal topics to which the noble Lord has adverted, and I think it will be more convenient not exactly to follow the order of the noble Lord's observations, but to separate those which refer to questions connected with slavery from those which are connected with the much more important question, in my opinion—the question of more pressing interest—that relating to the boundary. The noble Lord says, that her Majesty's Government have taken what he must call a backward step with respect to slavery. He offers three proofs of that disposition on the part of her Majesty's Government to retrocession. The first is with the two articles of the present treaty, which relate to the suppression of the slave-trade by the United States. The noble Lord says, that by having inserted those two articles in the treaty, we appear to admit that the United States will, by acceding to those articles, fulfil all the obligations imposed on them by the treaty of Ghent. This is the article of the treaty of Ghent, with respect to the slave-trade:—

> "Whereas the traffic in slaves is irreconcileable with the principles of humanity and justice, and whereas both his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object."

I ask, what has the noble Lord done for the purpose of inducing the United States to fulfil the obligation of that treaty? The noble Lord was ten years Secretary of State for Foreign Affairs, and since the year 1814 the articles of the treaty of Ghent have been in force. Has the noble Lord prevailed on America to submit to the right of search? Has the noble Lord Lord prevailed on the United States to take any step so effectual for the suppression of the slave-trade as the step which they have now consented to take on the coast of Africa? For the first time, in the year 1842, the American government has consented to conjoin its efforts with those of Great Britain, on the coast of Africa, for the purpose of suppressing the slave-trade. They have agreed to appoint a sufficient and adequate squadron for the purpose of preventing vessels bearing the American flag from being concerned in the slave-trade. What right has the noble Lord to assume that that is understood as a complete fulfilment of the treaty of Ghent? And what step, I repeat, was the noble Lord enabled to take, during the ten years he was in power, more effectual than that to which the American government has now consented? By the 9th article of the treaty they promise to do that which they promised in the treaty of Ghent—namely, to join with us in addressing all becoming representations and remonstrances to any and all the powers within whose dominions a slave market is allowed to exist; and in urging upon all such powers the propriety and duty of closing such markets at once and for ever. So far from the present Government having taken a retrograde step with respect to slavery, I say that, by prevailing upon the American government to appoint a squadron to co-operate with this country, thay have taken a step more effectual, and more in advance, than the late Government of the noble Lord was enabled to take. The second proof which the noble Lord adduces of our retrocession is totally unconnected with the present discussion—namely, the course pursued by France in refusing to ratify the late treaty. The noble Lord admits, that France was willing to sign with him a treaty extending the right of search, but says that, in consequence of the treaty of the 15th of July, 1840, France refused to sign it. He said, that the French government anticipated sentiments more favourable to France from the present Cabinet, and that they deferred ratifying the treaty out of compliment to us. So far as the wishes of the Government were concerned, that showed no retrograde step. But the French government did ultimately, in consequence of the intervention of the Chamber of Deputies, the popular assembly representing the opinions of the French people, hesitate to fulfil their original intentions, and decline to ratify the treaty. It was not General Cass who was the cause of that refusal. The cause was the noble Lord, whose policy towards France almost brought England to a state of direct and open hostility with that country. It was the noble Lord who embittered and exasperated the public feeling of France towards England, by the prosecution of his schemes in Syria, and who may claim the exclusive credit of having caused the rejection of that treaty. What course would the noble Lord have us pursue? The noble Lord was aware of the non-ratification in the course of last Session. Why did the noble Lord make no motion on the subject, and hardly put a question in the couse of last Session? Because he was aware, that all would have felt it to be an unseemly thing in him, who had been the cause of this interruption in the progress of humanity, to stand up and charge her Majesty's Government with the blame of having prevented an extension of the right of search, and a cordial union with France. The third of the noble Lord's proofs of the alleged indisposition on the part of the present Government to exert itself for the suppression of slavery, was the instructions given by my noble Friend, the Secretary of State for Foreign

Affairs to her Majesty's vessels on the coast of Africa, to conform to the law of nations in their efforts for the suppression of slavery and the slave-trade. If I recollect rightly, the noble Lord opposite was called upon to make compensation for exceeding the law, in consequence of the destruction of barracoons. It is right that this country should exert itself to the utmost for the suppression of slavery; but its exertions ought to be limited by some regard for the law of nations. You may depend upon it, that if you attempt to exercise your power with a disregard of the obligations of the law of nations, you will be called upon for compensation for any acts unwarranted by that law. My noble Friend acted in conformity with the opinion of him who advises the Government with respect to the law of nations. My noble Friend quoted the opinion of the Queen's Advocate, that blockading rivers, landing and destroying buildings, carrying off persons, held in slavery, from a country with which Great Britain was not at war, could not be justified by the law of nations or the provisions of any existing treaty—that, however desirable it might be to put an end to the slave-trade, the good, however eminent, ought not to be obtained otherwise than by legal means. That opinion warranted my noble Friend, the Secretary for Foreign Affairs, in saying that it was desirable that her Majesty's naval officers employed in suppressing the slave-trade ought to abstain from destroying slave-factories and carrying off persons, unless from territories with respect to which England was authorised by treaty to act in that manner. I am perfectly certain, that if you transgress the law of nations, your efforts, however well intended, will be less effectual than if you respect the rights of other countries. This is all I contend for. I say, employ all your naval power, and let no consideration of expense prevent you from enforcing the rights of humanity, but do not disregard, if your intervention is to be ultimately effectual, if you wish to conciliate the good opinion of other countries and induce them to co-operate with you, do not disregard the great principles of public law to which all nations are alike subject. The next point to which I shall refer, is the article of the late treaty providing for the mutual surrender of persons charged with offences. The noble Lord admits, that the general object aimed at by the article is a wise one, that where the countries have a common boundary, the escape of criminals, by stepping over that boundary, is prejudicial to the cause of good order, and injurious to the interests of both countries. The reciprocal delivery of heinous criminals is clearly an object of importance to civilised governments. But I admit to the noble Lord, that we must take great care, lest, in the application of that principle, we interfere with the rights of those who become freemen by stepping upon our soil. But the object must be secured by law. The article of the treaty cannot take effect without an act of Parliament, and, as a bill upon the subject will be introduced, it will be better to postpone the consideration of details until that bill comes under discussion, I may observe that there is a special provision in the eleventh article of the treaty, that, if experience should show that the two objects cannot be reconciled —the surrender of criminals, and the due protection of those who, being slaves in one country, become free by passing into the other; then the tenth article is to cease to operate, and is to continue in force until one or other of the parties shall signify its wish to terminate it, and no longer. That is a wise and prudent provision, by which, if any injustice arise from the operation of the treaty, it may be remedied. The next point to which the noble Lord referred was the correspondence in the case of the Creole. The noble Lord must observe that no stipulations have been entered into by Lord Ashburton on that subject. Lord Ashburton expressed a wish to reserve, for the consideration of the Government at home, the arrangement which it might be desirable to make with respect to cases similar to that of the Creole; but he declined to enter into stipulations on the subject. He said, that, for reasons which he stated, he thought it better that the question should be settled in London, where the chances would be much increased of a settlement likely to satisfy the United States. But on discussing the question of the Creole, Lord Ashburton laid down clearly and unequivocally this great principle. He says:—

"Upon the great general principles affecting this case, we do not differ; you admit, that if slaves, the property of American citizens, escape into British territories, it is not expected that they will be restored, and you may be well assured that there is no wish on our part that they should reach our shores, or that British possessions should be used as decoys for the violators of the laws of a friendly neighbour. When these slaves do reach us, by whatever means, there is no alternative. The present state of British law is in this respect too well known to require repetition, nor need I remind you that it is exactly the same with the laws of every part of the United States, where a state of slavery is not recognised; and that the slave put on shore at Nassau would be dealt with exactly as would a foreign slave landed under any circumstances whatever at Boston."

Lord Ashburton, then, on referring to the peculiar position of the southern coast of the United States, contended that the municipal law of each country should be put in force. That law, of course, gives the privileges of freedom to the man who has become free by touching the British soil. Lord Ashburton declared finally that he was not empowered to enter into engagements or stipulations on the principle involved in the case of the Creole. As to the compensation demanded from us in that case, the British Government has refused to grant any. They maintain the principle that the slave coming upon British soil is free, without regard to any claim for compensation by the master of such slave. The noble Lord afterwards observed that every point of difference had not been adjusted. If every point of difference has not been adjusted, I apprehend one reason is, that Lord Ashburton did not enter into every possible point of eventual difference, lest he might excite fears and prejudices which would prevent a satisfactory settlement of the one question which has been the festering sore in our relations with the United States for the last twenty-five years. That is the one question which has exasperated every other, and embittered every prejudice against England. When we succeeded to the Government the country was trembling upon the verge between peace and war. It was difficult to say to what side the balance would incline, and Lord Ashburton's great object was to effect, not merely an adjustment, but an honourable and satisfactory adjustment of that one great question, being satisfied that a settlement of that would lead to a good understanding upon all others. The question of the Oregon territory, no doubt, is not adjusted, but on that it is not necessary that I should address the House at any length. With respect to the course which the American government has taken, the noble Lord makes no allowance for the position of a government so open to popular influence as that of America. We, however, deal with the executive government and not with the senate. We have proposed to that government to consider the means of effecting a conciliatory adjustment respecting the Oregon territory; and we have met with no repulse, but have received assurances, in reply to our proposition, that the executive government of the United States is anxious to come to an adjustment of that question; and we have every reason to hope, that unless we revive the former animosity and embitter the feelings between the two countries, that our attempt to settle that question by negotiation will be satisfactory. The noble Lord says that the Senate has passed a bill, which I believe it has not passed. I think the votes were equally divided; but whatever the Senate may do, it is impossible for the executive government to approve of such a bill after having expressed a desire to negotiate. The noble Lord says the adoption of that bill would be a case of war. I will not discuss hypothetical cases of war, when, as I have said, the executive government has signified to us its desire to maintain peace, and to effect a satisfactory adjustment of the question of the Oregon territory. I trust in the assurances of the executive government, and I will not believe that it will give its consent to a legislative measure at variance with those assurances. I have reserved for the last that most important part of the negotiation which relates to the determination of the boundary between her Majesty's north-eastern provinces in North America and the United States. We have felt it our duty to attempt to draw a conventional line for the purpose of settling that question. We have felt it our duty to pursue a different course from that which the noble Lord had pursued, with but little success. Instead of new exploring surveys, and new arbitrations, we have sought and obtained an adjustment of this much litigated question, which was fast endangering the relations of amity between the two countries. Sixty years have now passed since the seeds of these dissensions were sown. In the year 1783 England made a treaty with the United States, in utter ignorance of the geographical position of the country. From 1783 until 1841 not only had no progress been made in solving the difficulties arising from that treaty, but the question was placed, after that lapse of time, in a worse position than ever. An attempt to settle it by the treaty of Ghent was made, and that failed. Proposals have been repeatedly made since, both by the United States and the British Government, for the purpose of effecting a settlement. Negotiations were tried in 1827, and the aid of an arbitrator called in; an impartial sovereign was selected for the purpose of determining, or attempting to determine what was the boundary contemplated by the parties who made the treaty of 1783. The subject was under deliberation for two or three years, and at length the King of Holland made an award, in which he stated that it was utterly impossible that that treaty could be strictly executed. The substance of his award was, that from the vagueness of the language of the treaty, it was impossible to decide in favour of either party, without violating the principles of law with regard to the other. He therefore strongly advised a compromise, and suggested that a conventional line should be drawn, dividing the territory equitably between the two countries. The American Government had the award under consideration in 1832. The British Government on receiving it, professed their readiness to accept the award. When the noble Lord made a notification to that effect, he declared he thought the claim of Great Britain perfectly well founded, that the parties to the treaty of 1783 intended to give Great Britain what she claimed, but he was so anxious for a satisfactory termination of the difference that he waived the extreme right of Great Britain, and would accept the award of the King of the Netherlands. In 1832 the Senate of the United States determined not to accept the award. They said the arbitrator had no right to accept a compromise—that he was bound to decide in favour of one or the other. On that ground they refused to be bound by the award. Did the noble Lord refuse to be bound by it also? No; for three years after that decision the noble Lord kept pressing upon the United States the acceptance of the boundary line suggested by the King of Holland. The moment the United States refused to accept it, the noble Lord was freed from any obligation he might feel to accept the award. But for three years he pressed it upon America. He wished the United States to take that very crest of hills which overlooks the St. Lawrence, for giving up which the noble Lord complains of us. During that period he had opportunities of taking military advice, of ascertaining whether the country would be endangered by the proposed boundary. On this point the noble Lord had no excuse. He might have been ignorant of the geographical situation of certain mountains, but at any time between 1832 to 1835 he had the means of ascertaining whether, by advancing the American boundary to the crest of hills overlooking the St. Lawrence, he would be endangering the military security of Canada or not. Canada and Quebec had been threatened by insurgents, a war was apprehended with the United States, and public attention had been called to the subject. It was well and generally known, that the proposed boundary was unfavourable to us; yet for three years the noble Lord continued to press upon the American government the adoption of a line which he now says by having been adopted, exposes to the utmost danger our Canadian possessions. Well, then, in 1835, all his efforts to persuade the American government to adopt the award having proved ineffectual, in October, 1835, the noble Lord gave notice that he declined to be bound any longer by the award, and since that period he has tried all in his power to settle the question by negotiation. But let me ask with what success? I will trace briefly the progress of the negotiation, and what had been done till my noble Friend, Lord Ashburton, took the matter in hand. The noble Lord says my noble Friend is a simple-minded man, and is not skilled in the arts of diplomacy. Now, my noble Friend may not be intimately acquainted with the technicalities of the Foreign Office—he may want the skill to write long protocols; but what did you do in the ten years you were in power?—what was the position in which you left the question? I submit you have had enough of the cunning of diplomacy in former years. You had a choice of diplomatists. You had men of the first eminence in all the trickery and artifices of diplomacy, and what was your success? In what position did you leave the negotiations in 1841, after having had all these skilled and practised diplomatists at your command, Sir Charles Vaughan included, and Lord Heytesbury, whom you would not allow to govern India, but whom you think so admirably fitted, and I agree with you for diplomatic functions—you had all these and your master-mind directing them—and I will now show, tracing the negotiations, in what position you left this question, a position scarcely less admirable than that in which you left affairs in Affghanistan. Well, in 1835, the Secretary of State for Foreign Affairs in the United States, foreseeing the hopelessness of negotiating, made a proposition to the English Government; which proposition you left for months without notice. It might have been most proper that you should not accept the offer of Mr. Livingstone—it might be most proper that you should reject it; but why did you not answer it? Why, with war almost trembling in the balance, did you contemptuously make no answer to the proposition made to you? Why leave the American government for months—nay, for more than half a year, in ignorance of your intentions? Well, then, in 1837 and 1838, you again entered into communication with the United States. That government proposed, or suggested the appointment of an exploratory commission. You consented to adopt the suggestion, but in doing so you told them, that you anticipated no benefit as the result of it. Well, in 1838 you renewed your communications with the United States, and you pressed upon her government the policy, not of appointing an exploratory commission, but of agreeing to a conventional line. You then thought the only true policy to be pursued was to enter into a compromise, and agree to draw a conventional line of frontier between the two countries. On the 10th of January, 1838, your Minister, Mr. Fox, in writing to Mr. Forsyth, says:—

> "Both governments have agreed to consider the award of the King of the Netherlands as binding upon neither party, and the two governments, therefore, are as free in this respect as they were before the reference to that sovereign was made. The British Government, despairing of the possibility of drawing a line that shall be in literal conformity with the words of the treaty of 1783, has suggested that a conventional line should be substituted for the line described in the treaty, aud has proposed, that, in accordance with the principles of equity, and in pursuance of the general practice of mankind in similar cases, the object of difference should be equally divided between the two differing parties, each of whom is alike convinced of the justice of his claim."

This is the view taken of the question by the noble Lord and his minister in 1838. But he went further. In the same document Mr. Fox says—

> "Her Majesty's Government exceedingly regret that such an obstacle should exist to prevent that settlement (the division of the disputed territory), which, under all the circumstances of the case, appears to be the simplest, the readiest, the most satisfactory, and the most just."

No language of mine could be half so strong in favour of the treaty concluded by my noble Friend; but the language of Mr. Fox was even yet more strong, for in a subsequent paragraph he says—

> "But the very existence of such conflicting pretensions seems to point out the expediency of a compromise; and what compromise can be more fair than that which would give to each party one-half of the subject-matter in dispute."

These are strong opinions to come from the noble Lord who made the statement which the House has just heard. Can any one for a moment doubt that in 1838 the noble Lord was in favour of a conventional line! The American government had however suggested the appointment of an exploring commission, but the noble Lord told them that such a commission never could lead to any useful result, and therefore he objected to it; but so anxious was he to conciliate that he would not withhold his consent to its appointment, if the principle upon which it was to act could be agreed upon. But what did the noble Lord do—what did he effect from 1838 up to September, 1841, when he quitted office? The noble Lord attempted to come to an agreement upon the principle, and I will show you the result. He began by telling the American government that he despaired of success, and when the American government asked the question, "How is the inquiry of the commission to lead to a practical result?" the noble Lord answered with a species of sneer in which he much indulged on some occasions, that inasmuch as the proposal for its appointment originated with them, they were the proper persons to answer the questions; he could not do it because Her Majesty's Government had already expressed an opinion that it could lead to no useful result. Mr. Fox, in the letter to Mr. Forsyth to which I before referred, says,

> "Her Majesty's Government have themselves already stated, that they have little expectation that such a commission could lead to any useful result, and they would on that account be disposed to object to it, and if Her Majesty's Government were now to agree to appoint such a commission it would be only in compliance with the desire so strongly expressed by the government of the United States, and in spite of doubts which Her Majesty's Government still continue to entertain of the efficacy of the measure."

[Lord *Palmerston*—Read the whole.]—I have no objection, for I do not wish to misquote the noble Lord. He proceeds as follows:—

> "But with respect to the way in which the report of the commission might be expected to lead to an ultimate settlement of the question, Her Majesty's Government in the first place conceived that it was meant by the Government of the United States, that if the commission should discover highlands answering to the description of the treaty, a connecting line drawn from those highlands to the head of the St. Croix should be deemed to be a portion of the boundary line between the two countries. But her Majesty's Government would further beg to refer Mr. Forsyth to the notes of Mr. Maclane of the 5th of June, 1833, and of the 11th and 28th of March, 1834, on this subject; in which it will be seen that the Government of the United States appears to have contemplated as one of the possible results of the proposed commission of exploration, that such additional information might possibly be obtained respecting the features of the country, in the district to which the treaty relates, as might remove all doubt as to the impracticability of laying down a boundary in strict accordance with the letter of the treaty. And if the investigation of the proposed commission should show that there is no reasonable prospect of finding a line strictly conformable with the description contained in the treaty of 1783, the constitutional difficulties which now prevent the United States from agreeing to a conventional line may possibly be removed, and the way may thus be prepared for the satisfactory settlement of the difference by an equitable division of the disputed territory. But if the two governments should agree to the appointment of such a commission, it would be necessary that their agreement should first be recorded in a convention, and, it would obviously be indispensable that the state of Maine should be an assenting party to the arrangement."

Well, the commission to the appointment of which the noble Lord gave his consent in 1838 was to lead to an equitable division of the disputed territory; we have come to that settlement without any of the expense or delay of a commission; and I will ask the House whether, under the circumstances in which we were placed last year, we did not act a wise and prudent part. Now, I wish the House to bear in mind what it is I am labouring to prove. I want to show that when we came into power in 1841, it was most desirable that we should attempt to effect a conciliatory arrangement with America, at once, and without the loss of time and the expense of an exploratory commission. What I want to prove is, that the line agreed to and settled by my noble Friend is one perfectly consistent with the honour of the country, and one which only a few short years ago the noble Lord was himself anxious to adopt, and I think I have already gone far to prove that our course was a wise one, and that by adopting a conventional line we took the course the noble Lord himself was anxious to pursue in 1838. It appears that the principle of a commission was agreed upon by the two governments in 1838. On the 6th of April, 1838, the noble Lord sent out the draft of a convention for the new commission. The noble Lord thought that the principles he laid down in that draft could not be departed from. On the 29th of July, 1839, it was found, however, that Mr. Forsyth, so far from accepting and adopting the draught of the convention so sent him by the noble Lord, sent Mr. Fox his draught of the American counter-project — another project for a commission, and then the noble Lord found that there was a wide difference between himself and the government at Washington—that there was, in fact, no agreement between them. On the 3d of July, 1840, the noble Lord, writing to Mr. Fox, says:

> "The British Government accordingly transmitted in April of last year, for the consideration of the President, the draught of a convention to regulate the proceedings of the proposed commission. The preamble of that draught recited textually the agreement which had been come to, by means of notes which had been exchanged between the two Governments; and the articles of the draught were framed, as her Majesty's Government considered, in strict conformity with that agreement. But the government of the United States did not think proper to assent to the convention so proposed. That government did not, indeed, allege that the proposed convention was at variance with the result of the previous correspondence between the two governments; but it thought that convention would establish a joint commission 'of mere exploration and survey; and the President was of opinion that the step next to be taken by the two governments ought to bear upon its face stipulations which must necessarily lead to a final settlement under some form or other, and within a reasonable time. The United States government accordingly sent to you, for transmission to her Majesty's Government, a counter-draught of convention, varying considerably, as Mr. Forsyth admitted, in some parts, from the draught as proposed by her Majesty's Government. But Mr. Forsyth added, that the United States government did not deem it necessary to comment upon the alterations so made, as the text of the counter-

draught would be found sufficiently perspicuous."

Now this was the state of matters in 1840. We had then Lord Palmerston complaining of nothing effectual having been done; but then, they had got the British project and the American counter-project. There was this difference, however, between them—the one contained the proposition for appointing an arbitrator, and the other did not. It was the American project that proposed an arbitrator. Then the noble Lord wrote to Mr. Fox that he rejected the project of the American government altogether. Well, on the 30th of June, 1840, the noble Lord sent Mr. Fox another draught of a convention, which was transmitted by him to Mr. Forsyth on the 28th of July, and how was it received? Why, on the 13th of August, also in 1840, Mr. Forsyth sent our minister another counter-project—a second counter-project, even as the noble Lord had done, nor had they come to any better understanding down to August 1841, when the time was approaching for the change in the Government. On the 24th August, 1841, only a few days before the noble Lord left office, he wrote to Mr. Fox as follows:

> "Her Majesty's Government received with very great regret the second American counter-draft of a convention for determining the boundary between the United States and the British North American provinces, which you transmitted to me last autumn, in your despatch of the 15th of August, 1840, because that counter-draft contained so many inadmissible propositions, that it plainly showed that her Majesty's Government could entertain no hope of concluding any arrangement on this subject with the Government of Mr. Van Buren, and that there was no use in taking any further steps in the negotiation till the new President should come into power. Her Majesty's Government had certainly persuaded themselves that the draught which, in pursuance of your instructions, you presented to Mr. Forsyth on the 28th of July, 1840, was so fair in its provisions, and so well calculated to bring the differences between the two Governments about the boundary to a just and satisfactory conclusion, that it would have been at once accepted by the government of the United States, or that if the American government had proposed to make any alterations in it, those alterations would have related merely to matters of detail, and would not have borne upon any essential points of the arrangement; and her Majesty's Government were the more confirmed in this hope, because almost all the main principles of the arrangement which that draught was intended to carry into execution had, as her Majesty's Government conceived, been either suggested by, or agreed to, by the United States' Government itself."

This was in August, 1841, and I may be allowed to remark that the noble Lord, in objecting to the propositions of the American government had used terms, which, if ever expressions exhibited dissent to a proposition that diplomatist disapproved of, most successfully expressed dissent in all its varieties. After a negotiation of four years, the noble Lord said of the arrangements proposed by the Government of the United States, that as to the preamble, her Majesty's Government "cannot possibly agree;" to the second article, "her Majesty's Government cannot consent;" to the third article, "her Majesty's Government must object." The seventh article, it was said, imposes duties upon the commissioners "incompatible with each other." I am quoting the very words used by the noble Lord, and to every article there was an objection stated in a different form till they came to the tenth, and of that the noble Lord said,—

> "But of all the propositions made by the American government, none can be more inadmissible than that contained in article 10."

Thus to one article the noble Lord cannot agree—to a second he cannot assent—to a third he said it proposed incompatible duties—and the fourth was more objectionable than the preceding; for that article, he said, suggested that Mitchell's map should be used as evidence bearing upon the question, whereas every one knew that it was full of gross inaccuracies, and "her Majesty's Government can never agree to this proposal, nor to any modification of it. Thus they had begun this discussion in 1783, and in 1841 we find the noble Lord with all his diplomatic skill, and all his knowledge, and all his astuteness, and aided as he might have been by Sir C. Vaughan and Lord Heytesbury, still with no prospect of peace before him; but on the contrary, almost two days before he quitted office, declaring that he could not agree, that he dissented, that he entirely dissented, and that he positively declined to assent to propositions made to him; that these propositions were founded upon principles utterly to be repudiated; that the first was inadmissible, the second bad, and the third worse; and finally, that the noble Lord, on behalf of the British Government, abandoned every hope of settling the question, as long as

Mr. Van Buren was in the president's chair. It was in this state that the noble Lord left these negotiations. But then the noble Lord had said that he would make proposals of his own for settling the dispute. And what does the House think were the noble Lord's proposals in that desperate state of circumstances? The proposal of the noble Lord, after fifty-eight years of controversy, submitted by him to the American government for the purpose of a speedy settlement, was, that commissioners should be nominated on both sides; that they should attempt to make a settlement of this long disputed question; and then, if that failed, that the King of Prussia, the King of Sardinia, and the King of Saxony, were to be called in not to act as umpires, but they were each to be requested to name a scientific man, and that these three members of a scientific commission should proceed to arbitrate. Was there ever a proposition like this suggested for the arrangement of a question on which two countries had differed for fifty-eight years. And this, too, was proposed after the failure of the arbitration on the part of the King of Holland, and when they had their commission of exploration in vain. And yet, with all this, there were to be three scientific men, foreign professors—one from Prussia, one from Sardinia, and one from Saxony! to do what? and where were they to meet, or how were they to come to a satisfactory adjustment? What must the people of the State of Main have thought of this proposition when they read that they were to be visited by three professors from Saxony, Sardinia, and Prussia. But what said the noble Lord's own minister on hearing of this proposition. Mr. Fox, in writing to the noble Lord said, "For God's sake, if you have arbitrators, do not have professional men." That was on record. "Have, he said, if you like, three sovereigns, but no philosophers." It was true that their judgment should be guided by scientific men; but the final judgment should be with statesmen and not with mere professors, and this, for many obvious reasons, was a point of very great importance. So also said Mr. Feartherstonhaugh whom the noble Lord had praised, and praised justly. But then, the noble Lord relied solely upon Mr. Featherstonhaugh and Colonel Mudge. The noble Lord would not depart one inch from Featherstonhaugh and Mudge. Ten years had elapsed before the noble Lord would agree to settle the question, and then he would not move from the conclusions to which he had arrived through the means of those two gentlemen. The instant Mr. Webster came into office, the noble Lord attacked him with Featherstonhaugh and Mudge. He called upon Mr. Webster to submit. "But no," said Mr. Webster, "I have got a Featherstonhaugh and Mudge of my own, and I am as well satisfied with these as you are with yours." The noble Lord wanted to force conviction on the United States; but they would not be convinced. But what said Mr. Featherstonhaugh to the noble Lord's proposition? That it was quite true a commission might be appointed; but the commissioners might not give in their report until the expiration of eight or ten years, and then the expense of the commission might exceed the value of the territory in dispute, and, after all, the decision might be against them. For God's sake said Mr. Fox the noble Lord's minister, do not appoint professors; go on said the noble Lord's favourite commissioner, with a commission if you will, but it may exceed the value of the territory, and after all the decision may be against you. However, there was a change in the American government, and then Mr. Fox in despair set about executing the instructions of the noble Lord. The noble Lord said:—

> "Let us consider the American *contre projet* as unreasonable, undeserving of answer—as withdrawn from consideration, and now submit my original *projet* to Mr. Webster, the new Secretary of State, and persuade him it is reasonable."

Mr. Fox accordingly waited on Mr. Webster, and thus describes the reception his proposals met with from that gentleman, "I found him entirely ignorant of the last previous movements of the two Governments on the subject." Mr. Webster not having watched the progress of these *projets and contre-projets*, says, "Give me time to master this difficult question." I know what that is: I have been trying to wade through it ever since it began in 1783, and I ask the sympathy of any one who has been subjected to a similar infliction. At last Mr. Fox reports, from communications with Mr. Webster, his conviction of a willingness to conclude the dispute by the compromise of a conventional line of boundary. That was the conclusion which Mr. Webster, a wise and sagacious man, came to before he had waded through one-half of the controversy;

and as we came to the same conclusion we resolved, instead of appointing commissioners, trusting to the evidence Mr. Fox adduced of a readiness on the part of the United States government to act in a spirit of conciliation, we resolved to make one effort to conclude the long-pending dispute by a conventional line mutually satisfactory. And was it not time for us to do so? There are questions which admit of delay; there are speculative points of difference which may be hung up for years without compromising national interests or injuriously affecting the settlement of them; but there are others in respect to which delay brings with it certain peril. And what was the power of the arguments in this case against further delay? Have you read the correspondence of your own colonial officers as to what passed on the frontier. I hope to hear from a late high commissioner, the gallant Officer near me, his testimony as to what was the result of the delay respecting the disputed territory. [Sir *H. Douglas:* "Hear."] Did we gain by this procrastination? No. America was nearer at hand. Every month that passed was undermining our dominion over that continent. I ask my gallant and hon. Friend for (instance), whether in 1828 he did not apprehend an American subject and bring him to trial for encroachments on this disputed territory, and whether on the very spot on which he was taken, a fort has not since been erected by the authorities of Maine. [Sir *H. Douglas:* "Hear."] The vast tide of population — that rapid and resistless tide which knows no ebb — presses on from day to day, and each month that passed saw our territory further encroached on—the dominion we had in 1838 we retained not in 1840; and had we postponed the settlement for another five years, the question would have settled itself by a contest for actual possession. If we had pursued then the course for the future which had been pursued in the past, let me tell you that, however boastful your language might have been, you would have placed yourself in an infinitely worse position than when you previously attempted to settle the question. Now let me refer to some of our colonial authorities to prove that it would not have been wise in us (notwithstanding our Featherstonhaugh and Mudge), to have waited, relying on commissions, for some five years longer, with no reasonable prospect of a satisfactory settlement. In April 1840, Sir J. Harvey writes thus to Mr. Fox:—

> "A sudden and entirely unexpected interruption has been made by a large body of the people of Maine (under the authority of certain resolutions of the Legislature of the State) into a part of the territory in dispute which has hitherto been in the possession of Great Britain."

Sir J. Harvey had the good fortune to meet with an excellent and judicious officer with whom he came to an agreement, by the exercise of mutual forbearance and discretion. But what was that agreement:

> "That Great Britain should hold a part of the disputed territory of Maine, denying the right of such possession, and that Maine should hold another portion of the territory, Great Britain denying the right of such occupation."

Here then was the convention. What is the account of the hostile preparations of Maine afforded by our Minister, Mr. Sherwood:

> Everything wears in Maine a warlike appearance; the people are hot for it. The draughting of the militia has commenced. There can be no doubt of the intention of the State; it is, to take possession of the territory we claim."

And was the agreement entered into with Sir John Harvey adhered to by the State? What said Sir John Harvey to Mr. Fox.

> "Upon the ratification of an agreement to this effect, accompanied as it was by an assurance from General Scott (which to me was entirely conclusive), of his conviction that it would be fulfilled by Maine 'cheerfully and in good faith,' I immediately ordered back to Canada her Majesty's 11th regiment, which was then in the occupation of both banks of the St. John river, just below the confluence of it with the Madawaska, and I shortly afterwards despatched the warden of the disputed territory with a suitable posse, with instructions to seize and destroy all timber illegally cut, and effectually to prevent, by the force of the laws of this province, all further depredations upon the timber of that portion of the disputed territory comprised in the valley of the Upper St. John. Scarcely, however, had these orders been given, and these movements made, in the very spirit, as I declare to your Excellency, of an anxious desire on my part to give effect to what I considered to be the true intent of the arrangement, when I learned, with equal astonishment and concern, that a portion of the armed posse of Maine had not only advanced from the valley of the Restook to that of the Upper St. John, and had established and commenced fortifying itself (why do this, if not conscious of the infringement of the agreement which it was committing?) at the mouth

of the Fish River; but that the person in charge of this party (of the name of Nye), had actually threatened to arrest the British warden (whose posse was unarmed) in the execution of the duties which I had assigned to him."

These are the evidences of the impropriety of delay. What further is the advice of Lord Sydenham. On the 21st of May, 1841 (one of the last letters the noble Lord could have written), he thus wrote to Sir W. Colebrooke:—

> " I entertain the most decided opinion that the Americans ought never to have been permitted by Sir John Harvey to form that establishment, which was in direct and open violation of the convention made by himself; but it has been suffered, and thus the curious anomaly is presented of an armed posse, in the pay and under the authority of a foreign state, being stationed in a district over which her Majesty claims and has exercised jurisdiction. Whilst, therefore, it is true that the authority of the warden extends, even according to the interpretation above referred to, over the fort at Fish River, it would, in my opinion, be extremely imprudent and unwise to call it in question, unless we are prepared to carry it to its full extent, which would really be the removal of the American posse altogether. A case might arise of so grave a character, in the shape of insult or injury to her Majesty's subjects along the St. John's, as would necessitate interference with this force, and justify the collision that must attend it, but every endeavour should be used to avoid it, and certainly the offence contemplated as likely to call for it, is one of the last which would be a sufficient motive for what might be attended with such serious consequences."

That is the account Lord Sydenham gave of the state of affairs; you cannot repel his authority. Yet what more humiliating position could the interests of this country be placed in? We are obliged to march men to drive a foreign force out of our territory. What a situation of relations with the United States! We know the state of things in 1841 was such that twenty-two battalions were in Canada, and if we had not settled the question, those battalions would have remained there. Lord Sydenham, moreover, said,—

> "From my despatch of the 21st ult., your Excellency will have learned my views in regard to the exercise by the warden of any authority over that part of the disputed territory now in possession of the state of Maine.—I still continue to think that every exertion should be made not inconsistent with the national honour and the safety of her Majesty's subjects, to prevent a collision; but it is impossible to allow the people of Maine to carry out the schemes which you suppose to be in contemplation without an entire sacrifice of British interests. I trust that the further information which Mr. M'Lauchlan is seeking, will show that some mistake exists as to their intentions, if not, I shall immediately upon receiving your letter and further report, apply to Mr. Fox, with a request that he will at once appeal to the federal government to prevent acts on the part of Maine, which are contrary to the existing arrangements between the countries, and which, if persisted in, must inevitably lead to collision."

Sir W. Colebrooke wrote to the same effect to the noble Lord. He said—

> " The encroachments that have taken place, and the embarrassments that they have occasioned, induces me to consider that no time should be lost for effecting such a settlement as may be now practicable, and not a compromise of the settlers' rights on either side of the St. John's. Circumstances might, at one time, have induced the Americans to assent to such a line, if any were attainable, preferable to that proposed: but the settlements on the south of the river would lead the people of Maine to oppose it, and such opposition would effectually prevent the United States from assenting to it."

Have I not, then, by strict proof, shown that in 1841 the matter admitted of no delay?—that the public peace on the frontier was compromised—that our amicable relations with the United States were endangered—that it would have been unwise to enter upon a new commission which might have lasted for years, and must have led either to our loss of the territory by constant encroachment, or to the necessity for a resort to arms for its protection? We determined, then, to make every effort for an honourable adjustment, and to invite with that view, the assistance of a nobleman we believed best calculated, by his character, to attract the confidence of both countries. The noble Lord opposite says there were some prejudices and interests as to the United States, which precluded Lord Ashburton from being the proper person for such a commission. Sir, I never heard of such prejudices. I never heard of such imputations. Nor do I believe that there could be any considerations to which Lord Ashburton would listen except that of his country's real welfare. And, I will add, that it was through his own wish alone that he became not a Cabinet Councillor of her Majesty. He filled office with me in 1835. There is no man in the whole range of public characters, whom I consider more calculated to give strength to a Government than Lord Ashburton. But ambition was not his object:

he sought only an honourable retirement; cheered by the satisfactory recollection of many years' creditable discharge of public duties. Through his own act alone he was not included in the Cabinet. It was at the earnest request of the Administration that he, disregarding private wishes and inclinations, and believing his influence might be beneficial for the preservation of peace, undertook his important mission; and, in my opinion, he deserves well of his country—not only for having undertaken it, but for the manner in which he performed it. His conduct merits approbation, and I claim for the Government all the responsibility which belongs to an entire approval of it. We think him entitled to every acknowledgment; it is the Government, therefore, not Lord Ashburton, that is to be condemned on account of the treaty if condemnation be considered just. But I conceive, that instead of condemnation, Lord Ashburton and the Government ought to meet with public acknowledgment and gratitude. He went out to the United States to effect a settlement. I think I have shown that it would have been unwise to attempt further explorations and inquiries by commissions. In some quarters, it appears that the American Minister, Mr. Webster, has met with censure on account of the treaty, similar to that which has assailed Lord Ashburton; but I believe he was equally animated by a spirit of sincere regard for the interests of his country, uninfluenced by political considerations. If then, a conventional line were to be adopted, what basis were we to take for the negotiation? We hoped for a more favourable line than the King of Holland had assigned us. What impression does the noble Lord entertain as to the likelihood of the people of the United States agreeing to a line more favourable for us? For my part, I am convinced they were honestly persuaded of the justice of their claims, from the highest to the lowest. Lord Ashburton found, on his arrival in America, one almost unanimous *bonâ fide* conscientious feeling that their claims were founded on justice. You may say it was an erroneous and unfounded impression; and you may be just as satisfied of the justice of our claim. But can you ever effect any adjustment without some degree of mutual concession? And the impression of the Americans had been strengthened by the noble Lord's conduct. The noble Lord did not insist on our extreme rights. He had listened to compromise; subsequently to 1835 he professed a readiness to divide the territory. The impression of those in America most favourable for a settlement was, that we might possibly allow an acquiescence in the award of the King of Holland ("the Dutchman's line"), but nothing beyond it: and if Lord Ashburton had attempted to take any other basis than this, he might as well have altogether abandoned the attempt at arrangement. As to advancing the boundary of the United States to certain heights in the neighbourhood of the St. Lawrence, we acted not hastily; we were most desirous that every boundary line should duly protect the interests of our North American provinces—which we were determined to defend with the whole power of the British Empire, so long as they manifested a sincere and honest desire to maintain the connexion. We did, therefore (feeling it of the highest moment not to compromise their security), before entering into any communication with Lord Ashburton, consult many of the highest military authorities; among them, the gallant Officer (Sir H. Douglas), whose ability and experience entitle his opinion to much respect, Sir James Kempt, Lord Seaton, Sir George Murray, and I may add, the Duke of Wellington. We consulted all these distinguished Officers as to the most desirable line of boundary in a military point of view. Our great object was to select, in preference to that part of the boundary awarded by the King of Holland, some boundary that should better countervail any possibility of dispute. And I apprehend that we succeeded. We have got more favourable terms by Lord Ashburton's boundary, so far as military security is concerned, than those which were given by the boundary of the King of Holland. We did deem it a great object to prevent the Americans from having the command of those heights which overlooked the St. Lawrence: but the King of Holland had given those heights to the United States; and I beg to tell the noble Lord, who is the foremost to condemn this proposal, that the acquiescence in that alteration of boundary has been met by great objections in the United States, and that there are some in the United States who consider that very great sacrifices have been made by that government in giving up that part of the boundary which was awarded to the United States by the King of Holland. Now, how stands the extent of territory?

The noble Lord said in his despatch, that the division of territory by the King of Holland was in these proportions, three-fifths to the United States, and two-fifths only to Great Britain. The boundary of Lord Ashburton gives us a much larger extent of territory—that gives, I think, about seven-twelfths to the United States, and five-twelfths to Great Britain. Mr. Featherstonhaugh calculates the difference in point of acres, and makes it also very favourable to Great Britain; I do not exactly bear in mind what the proportions were according to him, but I think that by the award of the King of Holland we had about 2,600,000 acres, and the Americans 4,500,000 acres, and that by the present division of territory we have about 3,400,000 acres, and the Americans about 3,700,000. So that if you take the extent of territory, the division made by Lord Ashburton is a little more in point of acres than that awarded by the King of Holland; and if you take the military frontier, the boundary of Lord Ashburton is more favourable than that of the King of Holland. The noble Lord referred to certain dinners which took place at Boston, New York, and at which Lord Ashburton had been present; and says, that the conclusion of this treaty was a matter of the utmost congratulation and triumph to the United States. Why, Sir, there are senators in the United States who take exactly the same view of this adjustment, as bearing upon the interests of the United States as the noble Lord takes of it in its bearing upon our interests. It is curious to contrast the language of the noble Lord with that of persons of great eminence and consideration in the United States, and I cannot give a more convincing proof of the difficulty which attended this question than by showing the discordant views of different persons with respect to it. A very eminent man in the United States, a man of great weight and influence in the senate—Mr. Benton, who voted against the treaty—in speaking of the concessions made by Mr. Webster. Now, just contrast this with the language of the noble Lord—Mr. Benton says,

"Such are the grants and concessions from Great Britain to the United States; few in number, small in value, nothing for her to yield, injurious to her to retain, and already ours as effectually without the treaty as with it. Except the restricted and compensated navigation of the lower St. John, all the rest was already ours—ours by the treaty of 1783, and by the fact that Great Britain wanted none of these slips, or islands, or points of land, with the encumbrance of their republican inhabitants, which she makes a merit of yielding to us. Not so with our grants to her. They are large and valuable—material for her to receive—dangerous and injurious for us to yield—and involving, not only territory, but natural boundaries; and admitting a foreign power within the limits which nature herself and the treaty of 1783 had prescribed for the frontier of an independent nation. And here I frankly accost the subject, and say, that if our negotiator, in forming a general treaty for all the states, and in settling all the subjects in dispute between the two countries, had yielded to the British Crown all that the award of the King of the Netherlands granted, I should have said not a word. But in transcending that award, which he himself opposed as yielding too much—in giving up more now than the British Government demanded at the time of that award—in doing this, I find reasons for amazement and disapprobation. I am astonished at what I behold, and shall proceed to state the number and the magnitude of the sacrifices we have made, and demand from the friends of the negotiator the causes and the reasons for such extraordinary concessions."

That is the language of Mr. Benton; he thinks the honour of the United States is absolutely sacrificed by the treaty that was made with Lord Ashburton. Then, speaking of the arrangement that was made about the Caroline and Mr. M'Leod in enabling the court of general authority of the United States to overrule the jurisdiction, with respect to a man committed by the states court, Mr. Benton says:—

"The infamous act—the habeas corpus against the states—squeamishly called the 'remedial justice act'—is now on the statute-book, the original polluting our code of law, the copy lying at the footstool of the British Queen. And this is the point we have reached. In the short space of a year and-a-half the national character has been run down, from the pinnacle of honour to the abyss of disgrace, I limit myself now to the affair of M'Leod and the Caroline alone; and say that, in this business, exclusive of other disgraces, the national character has been brought to the lowest point of contempt. It required the Walpole administration, twenty-five long years of cowardly submission to France and Spain, to complete the degradation of Great Britain; our present rulers have completed the same work for their own country in the short space of eighteen months. And this is the state of our America!—that America which Jackson and Van Buren left so proud!—that America which, with 3,000,000 of people, fought and worsted the British empire—with 7,000,000 fought it, and worsted it again—and now, with 18,000,000.

truckles to the British Queen, and invents all sorts of propitiatory apologies for her, when the most ample atonement is due to itself."

These are the opinions of the Palmerston of America; and permit these extreme councillors to prevail, and you will soon have war between the two countries. But in this I confide—I confide in what I believe to be the vast preponderance of the influence of men in either country wishing and hoping for peace between them—I believe that the vast majority in America are actuated by a sincere desire for peace, and that they concur in the terms settled by Lord Ashburton. I believe that they are not prepared to act on the principles of the noble Lord on one hand, or of Mr. Benton upon the other. The noble Lord asks by implication, by the motion which he has made, the noble Lord asks the House to condemn Lord Ashburton, and to disapprove of his treaty. I entreat all those, whatever their party connection may be—whatever their political opinions may be, providing that they do believe that delay in this matter was no longer possible —that delay was injurious to Britain, not merely by the want of a definite treaty, but by the danger in which uncertainty placed the maintenance of peace—I intreat all those not to follow the noble Lord in his critical examination of minute details, but to take comprehensive views of the question, and declare by their language, by their speeches, by their votes, their satisfaction that these differences, with respect to this boundary, are adjusted on honourable and mutually conciliatory terms. Depend upon it no adjustment will be to our advantage which is not based upon conciliatory terms. If you have three professors to reinforce Messrs. Mudge and Featherstonhaugh, and if you force a boundary upon a reluctant people, you may be abstractedly in the right; but your prospect of continued peace would be lowering and gloomy, if a sullen assent were to be given on the part of the United States. I say, therefore, that a measure of adjustment was not the only object, it was necessary that that measure should be a satisfactory and conciliatory measure of adjustment. Why, we are not now minutely to criticise the treaty. Let us think how our North American provinces have been treated. It is their interests which have been principally compromised, if any have been compromised; but I do not believe that even that has been the case. Or that British interests, with boundaries extending for nearly 3,000 miles, with millions on millions of acres of territory have been compromised. Let us think of the value of these lands, and do not let us set up difficulties, do not let us even take into consideration the thousands, or (I am not inclined to underrate their value) the few millions of acres of extra territory. I don't undervalue the boundary of the Aroostook; but, a few thousands or millions of acres is nothing against the advantage of a permanent and satisfactory peace. And yet I would advise you to concede nothing inconsistent with your honour. I put out of the question the political aspect of affairs at the time this treaty was effected. I put out of consideration the political aspect of affairs at the time these disputes were settled. I do not ask you to look to the wars then being carried on in Affghanistan —to the wars being carried on in China—I do not ask you to look to the then state of our relations with France—I do not ask you to praise the treaty in connection with these circumstances—on the contrary, I believe that no dangers should ever induce you to make unjust and unwise arrangements. You are not entitled by any such considerations to sacrifice your North American colonies, and even if you had done so, I do not believe that your concessions would have laid the foundations of a lasting peace. You should do that which you believe to be wise and just; and make no undue concessions in order to preserve peace. Such concessions have a tendency to encourage the power to which they are made in its unjust demands; and I, therefore, place no stress on the position of affairs in other parts of the world at the time of the conclusion of the treaty. But, Sir, I say that that treaty was hailed with satisfaction by our North American colonies. The previous unsettled state of affairs had been felt as a grievous interruption to habits of honest industry—there had been no possibility of concluding sales of land—the uncertain position of affairs had interfered with business and industry; the inhabitants of our North American colonies gain much by the prospect of a continued peace. As far as public sentiment can be traced by the declarations of the public press, I find that nine-tenths of the newspapers published in these provinces are in favour of the treaty. The people, then, are not disturbed by those apprehensions of danger in the event of war, so long dwelt on by the noble Lord. They are sensible that those eventual dangers will be brought on them by allowing the approach of an American army within thirty miles of Quebec, were nothing compared to the hazards to be encountered were the question left unsettled. They thought all such fears as those insisted on by the noble Lord, were subordinate considerations, and they rejoiced in the adjustment of the question. There is one more point on which I must touch before I sit down. The noble Lord has spoken at great length of a map recently discovered. He seems to think that that map so discovered affords conclusive evidence of the justice of the British claims. Now, Sir, in the first place, let me observe to the noble Lord, that cotemporary maps may be—when the words of the treaty referred to by them are in themselves doubtful—they may be evidence of the intentions of those who framed them, but the treaty must be executed according to the words contained in it. Even if the map were sustained by the parties, it could not contravene the words of the treaty; but the noble Lord considers that a certain map which has been found in the archives of the foreign-office at Paris, is conclusive evidence of the justness of the British claims. Now, Sir, I am not prepared to acquiesce in any such assertion. Great blame has been thrown upon Mr. Webster with respect to this map. He has been charged with perfidy and want of good faith in not having at once disclosed to Lord Ashburton the fact of his possessing this map. Now, I must say that it is rather hard, when we know what are the practices of diplomatists and negotiators. I say it is rather hard to expect that the negotiator on the part of the United States should be held bound to disclose to the diplomatist with whom he was in treaty all the weak parts of his case, and I think, therefore, that the reflection cast upon Mr. Webster—a gentleman of worth and honour—are, with respect to this matter, very unjust. This map was, it is true, found in the archives of the foreign-office at Paris, and a letter of Dr. Franklin's has also been found, having reference to some map, but there is no direct connection between the map so found and the letter of Dr. Franklin. In general there is such a connection as in the case of maps referred to in despatches; but there is none in this case. There is nothing to show that the map so found is the identical map referred to by Dr. Franklin in his letter; and nothing can be more fallacious than relying on such maps. For let me state what may be said upon the other side of the question with respect to maps. We made inquiry about those maps in the foreign-office at Paris, and we could find none such as that in question at first. We have not been so neglectful in former times with respect to the matter as the noble Lord seems to think. We made inquiries, in 1826 and 1827, into the maps in the foreign office at Paris, for the purpose of throwing light upon the intentions of the negotiators of 1783. A strict search was made for any documents bearing in any upon the disputed question, but at that time neither letter nor map could be found. However, there were afterwards discovered, by a gentleman engaged in writing a history of America, a letter and a certain map, supposed by him to be the map referred to in the letter. In answer to our first inquiry, as I have already stated, no such map could be discovered. The first which we received from the foreign-office at Paris was a map framed in 1783 by Mr. Faden, geographer to the King of England. On that map is inscribed—"A Map of the Boundary of the United States, as agreed to by the treaty of 1783: by Mr. Faden, geographer to the King." Now, Sir, that map placed the boundary according to the American claim, yet it was a cotemporary map, and it was published by the geographer to the British King. There was a work which I have here, a political periodical of the time, published in 1783, called *Bewe's Journal.* It gives a full report of the debate in Parliament upon the treaty then being concluded, and, in order to illustrate the report, it also gives a map of the boundaries betwen the countries as then agreed to. That map, Sir, also adopts the line claimed by the United States. On subsequent inquiry, at Paris, we found a map, which must be the map referred to by Mr. Jared Sparkes. There is placed upon that map a broad red line, and that line marks out the boundary as claimed by the British. It is probably a map by M. d'Anville, of 1746, and there can be no doubt but that it is the map referred to by Mr. Jared Sparkes; but we can trace no indication of connection between it and the despatch of Dr. Franklin. To say that they were connected is a mere unfounded inference. But there is still another map. Here—in this country—in the library of the late King, was deposited a map by Mitchell, of the date 1753—that map was in the possession of the late King, and it was also in possession of the noble Lord, but he did not communicate its contents to Mr. Webster. It is marked by a broad red line, and on that line is written "Boundary, as described by our negotiator, Mr. Oswald;" and that line follows the claim of the United States. That map was on an extended scale. It was in possession of the late King, who was particularly curious in respect to geographical inquiries. On that map, I repeat, is placed the boundary line—that claimed by the United States, and on four different places on that line, "Boundary as described by Oswald." Now I do not say that that was the boundary ultimately settled by the negotiators; but nothing can be more fallacious than founding a claim upon cotemporary maps, unless you can also prove that they were adopted by the negotiators: and when the noble Lord takes it for granted that if we had resorted to arbitration we should have been successful in obtaining our claims, I cannot help thinking that the matter would be open to much discussion. Indeed, I do not believe that that claim of Great Britain was well-founded; that it is a claim which the negotiators intended to ratify. I cannot say, either, that the inquiries which have been instituted since Mr. Sparkes's discovery have materially strengthened my conviction either way. I think they leave matters much as they were, and nothing, I think, can be more delusive than the expectation that, if the question were referred to arbitration—the decision would inevitably have been given in your favour, in consequence of the evidence of maps, which would not be regarded as maps recognized by the negotiators themselves. And then, Sir, with reference to the maps discovered subsequently to the conclusion of the negotiations conducted by Lord Ashburton. The noble Lord opposite has stated that his predecessor in office had made all possible inquiry into the matter, and possessed all the elements of information connected with it. Lord Ashburton then had a right to draw the same conclusion. He had a right to presume that he was sent abroad in possession of all the elements of information on which a satisfactory conclusion could be come to, and therefore the subsequent discovery of the map in Paris, even if it could be positively connected with Dr. Franklin's despatch, would be no ground for the impeachment of the treaty of Lord Ashburton, or for proving that he had not ably and honourably discharged his duties. If blame should fall upon any one, it should fall upon those who have been conducting these negotiations for years. But I think that I have shown that no blame can be attached either to Lord Aberdeen or Mr. Canning; that they did what they could to search the archives of the foreign-office at Paris for information connected with the subject. The documents lately discovered were not kept in the political department of the French foreign-office, but in the historical department, and it was thus that while they had eluded former search they had come to be discovered by Mr. Jared Sparkes. Nothing must be said as impeaching the accuracy or good faith of that gentleman, but he himself admits that the map which he discovered could not be traced to have had any connexion with the despatch of Dr. Franklin. I am not aware that there is any other point noticed by the noble Lord to which I have omitted to refer. As I said before, I deeply regret that the noble Lord should have brought forward such a motion as he has to-night proposed. Most willingly would I have consented to the production of additional papers on this subject, if I could have done so consistently with my sense of public duty. In consenting to a change in the line awarded by the King of Holland, as I have before stated, our chief object was to consult the security and the military defence of our North American colonies. I think it must be quite evident to the House that it would be inconsistent with my duty to present any correspondence bearing upon that subject. I should also decidedly object, in the case of a negotiation which has been brought to a successful result, to lay upon the Table of the House all the confidential communications which may have passed between the executive Government of this country and the individual by whom they were represented. I do not believe that there is any precedent which would warrant the production of papers of this nature under such circumstances. Where the endeavour to conclude a treaty has failed, and where it might be necessary to appeal to the House for its opinion, it might be justifiable to lay before the public the whole correspondence on the subject. My objection to produce the correspondence required by the noble Lord does not arise from any mere consideration of the interests of the Government. As I before stated, we adopt the conduct of Lord Ashburton—we approve his conduct and we hold ourselves responsible for it. If, therefore, the noble Lord should wish to move a direct vote of censure, without calling for further documents, he may involve the Government in that censure; but, acting upon the principles on which men in office must act, I am bound to consider whether it be consistent with the public interests to produce the confidential communications between the Government and their representative, Lord Ashburton; and I must state that I think the production of such correspondence would be most injurious to the public interests. It is, however, competent to the noble Lord to press his motion to a division; but if the noble Lord does adopt that course, it will be with a view of calling upon the House to mark its condemnation of the Government for having sent Lord Ashburton to the United States to conclude this treaty, and to censure Lord Ashburton for the course which he has pursued. I do hope that the House will not lend itself, so far as Lord Ashburton is concerned, to such an act of injustice. That noble Lord, following the course which he has uniformly pursued, influenced only by a desire to promote the public welfare, and to maintain peace between this country and the United States, sacrificed his own private convenience—his private ease—in order that he might undertake this mission. Lord Ashburton and Mr. Webster have both been the objects of condemnation in their respective countries. Lord Ashburton has been, in this country, the victim of anonymous calumnies; and I am confident that no hon. Member of this House could have sanctioned those calumnies who would have adopted any other course than that of proposing a direct motion of inculpation, calling upon the House to pronounce its censure on the conduct of a man so aspersed. The motion of to-night is in itself a complete vindication of, and triumph for, Lord Ashburton. If a powerful party can bring forward no other motion reflecting upon the conduct of Lord Ashburton than—not a vote of censure—not a motion implying the slightest blame—but a mere proposal for the production of papers which the author of the motion knows cannot be produced—I say that any vindication of Lord Ashburton is wholly unnecessary. The nature and character of the motion itself constitute the vindication and the triumph of Lord Ashburton. The noble Lord is afraid to propose a vote implying censure, lest I should move an amendment, which would be carried by a vast majority, approving of the treaty, and of the conduct of Lord Ashburton. The private character of Lord Ashburton—much as I regard that noble Lord—is to me a matter of comparative unimportance, compared with the public interests which are involved in the decision which the House may adopt upon this motion. The decision of to-night, if to-night a decision is come to, will involve the opinion of the House as to the adjustment of the differences between this country and America. I do not mean to say that all the subjects of differences between the United States and this country have been adjusted by this treaty, but I speak of those peculiar differences which caused considerable exasperation in both countries, and which afforded reason for apprehending the disturbance of tranquillity. If you are desirous for the maintenance of peace—if you believe that this negotiation has contributed to lay the foundation of peace—then I call upon you not to be misled by a plausible motion calling for further papers to imply a doubtful and equivocal opinion; but if, upon the whole, you are satisfied that the conduct of the Government and of its representative, Lord Ashburton, has been influenced by pure motives—that it has been wise and just—that it has contributed to lay the foundation of a better understanding with the United States—then I do intreat you, whatever be your party differences from us, whatever be your political principles, to mark your opinion in favour of peace by negativing the motion of the noble Lord.

Mr. *Macaulay* said, I hope, Sir, I shall find credit with the House when I state, with all earnestness, that the few observations which in the discharge of my duty to my country I feel bound to offer on this occasion, are in no respect dictated by any feelings of either national or personal animosity. The feeling of national animosity is in all cases odious, but such animosity on the part of Englishmen towards the people of the United States, may justly be termed unnatural. Whatever intercourse I have had with the citizens of the United States has been uniformly an interchange of courtesies and kind offices; and as a public man, and as an Englishman, I can think of that great community only as one composed of persons whose veins are full of our blood, whose minds are nourished by our literature, and whose most valuable institutions are derived from our own. As a public man, again, I cannot but reflect that while peace is in all quarters the greatest of blessings, while war in any part of the world must be regarded as one of the greatest of public calamities, a war with the United States would be of all the calamities that could befal this country the most disastrous, for it would unite with all the horrors of foreign war many of the peculiar enormities of civil conflict; it would interrupt that salutary connexion which exists between the two countries; it would produce frightful disturbance of trade; it would involve in extensive ruin private families; and it would obstruct, to a greater extent than any other event I can well conceive, the great interests of humanity and civilization. Having protested that towards the United States I entertain no feeling of ill-will, I can with equal truth make the same declaration with respect to the noble individual whose conduct is peculiarly under discussion; and I cannot easily conceive, from anything I have seen or heard, that Lord Ashburton can, in this House or elsewhere, have any personal enemy. I readily and cordially admit the extent of his information; and I sincerely admire those eminent abilities which I have seen displayed in this House with great profit and advantage to the public, and from which I have myself derived pleasure and instruction. I readily admit his integrity, and his many amiable qualities; and if in anything I may say, I should, with reference to that noble Lord, exceed the limits of the strictest decorum, or the rules of Parliamentary debate, I can only say with regard to anything I may so utter, that I beforehand wish it unsaid. But his Lordship knows, and those connected with him know, that it is the duty of public men to scrutinize most strictly the conduct of the responsible servants of the Crown; and they know that on no occasion could it be more important to do so than with reference to the subject now under discussion. Indeed, after the declaration which has been made by the right hon. Baronet (Sir R. Peel), it is more important to scrutinize the conduct of the Government with respect to this question than at first sight appeared necessary. The right hon. Baronet takes upon himself, and upon the Government of which he is the head, the entire and complete responsibility of the matter and manner of this important negotiation. Now this negotiation is not only important in itself, on account of the interests at stake, but in another point of view it is of great importance. It is the first great negotiation which since the last change of Ministry has been concluded between England and any foreign power. Coming into office after exclusion from power, with a short interval, for, I think, upwards of ten years, the Members of the present Government found that our relations with the United States presented one of the most important subjects to which their attention could be directed. They considered the subject, they state, with extreme attention; they selected, with the greatest care, a negotiator for the purpose of carrying their views into effect; they approve, in every respect, of his conduct. The fruits of this negotiation lie before us; and we must consider ourselves as inquiring, not merely whether this treaty is a just and proper one—not merely whether this correspondence be honourable to the abilities and public spirit of Lord Ashburton—but, seeing how probable it is that the present Government will for a considerable time retain their position in power—whether their policy be pacific in truth, or pacific only in show, and whether, on the system they seem at present inclined to pursue, it is probable that the honour and interests of this country are likely to be promoted—I shall commence by making a concession which I think the right hon. Baronet opposite will admit to be a large one, and for making which, I fear, the noble Lord near me (Lord Palmerston) may consider that I merit some degree of blame. Though I am firmly convinced, that if this question were tried as a mere matter of right, we have, with regard to the boundary, clearly ceded too much; though I think we have ceded not only that which we had a right to keep, but that which it would in many respects have been advantageous to us to have retained; though I think the negotiations, in many of the points mentioned by my noble Friend, have been on that subject most unskilfully conducted; yet I feel, and I have always felt, most strongly the immense importance of arriving at a settlement of this question. I have always felt that when a subject has been agitated during so many years—when it has excited so much exasperation—when, on both sides, there is so firm a conviction of the justice of their respective claims—

something must be sacrificed. It is necessary, I admit, under such circumstances, that a compromise should be made. I cannot better express my opinion on this subject than by adopting the language of the hon. Member for Halifax at the begining of the present Session:—

> "I am ready to admit (my hon. Friend said), that if the causes of differences between the two countries are fairly adjusted, if the arrangements are such as to close the present, and preclude future causes of dispute, I am not one of those who would attach much importance to a few square miles of territory more or less; but then I must have a distinct assurance that those causes of difference have actually been removed."

The conditions, however, which I think myself entitled to demand, when we have been ceding what the right hon. Baronet opposite admits, if I understood him, to be our right are these three:—First, that the dignity and honour of this country shall be in no respect compromised by the manner in which the arrangement shall be made. To that condition, if I correctly understood the right hon. Baronet, he will I doubt not, give his assent. The second condition I must require is, that the treaty purchased by this sacrifice of our rights shall be a treaty which either removes all causes of difference, or if it does not effect that, at least does not place us with regard to any of them in a decidedly worse position than that in which we stood before the treaty was concluded; and lastly, I am entitled to demand that this treaty shall be one which has produced on both sides kindly and cordial feelings, and which has rendered the recurrence of any difficulties such as those which preceded it in the highest degree improbable. I regret to say that I entertain very grave doubts—I may say more than doubts—whether the negotiations, and the treaty which has resulted from them, will be found to fulfil these conditions. First, then, as to the question of national honour. I must say that it is impossible to read through this correspondence, to compare the letters, without exception, of the English Plenipotentiary with those which emanated from the American secretary, without being struck with a certain, humble, caressing, wheedling tone which pervades them, and which seems to me utterly inconsistent with the dignity of the office which Lord Ashburton occupied. Many cases, which I could cite, occur to me; some of them—indeed most of them—appear slight at the first glance; but as Lord Bacon says,

> "A straw will serve to show you which way the wind blows."

I think it was highly improper on the part of Lord Ashburton to state to the government of the United States, as a reason why he should be especially trusted by them, and why they should act with more confidence and cordiality towards him, that he had opposed the last war with America. I think that was not the course an English Ambassador ought to have pursued. I disapprove of that war; it occurred before my time; but as far as I have obtained information on the subject, I think that those who joined Lord Ashburton in opposing that war acted a wise and patriotic part. But I conceive that when a person receives the Queen's command to go forth as her representative, he is in that capacity the organ of the Government, and he is not entitled to ask the favour and confidence of the power to which he is accredited on the ground that his opinion is opposed to the line of conduct which has been pursued by his Government and by his Sovereign, that conduct having been sanctioned and supported by the voice of the Houses of Lords and Commons. Can any hon. Gentleman furnish me with a diplomatic precedent for such conduct? I remember none, although I confess my own diplomatic studies have not been so extensive as I could wish. I do remember, however, the negotiations of 1806, and if Mr. Fox had chosen to do so, he might then have made a merit with the French Government of his constant and determined opposition to the war with France. He might have said in his letter to Talleyrand, "I have been the firm opponent of war. When every one was clamouring for war against France, and when the Opposition dwindled down to thirty or forty Members, I cried, 'Peace, peace, peace!'" But Mr. Fox—the greatest diplomatist, Lord Grenville said, who ever lived—knew too well what pertained to his duty as a public man, and never by one word did he repudiate or disclaim any act of his predecessors, or make any distinction between himself and Mr. Pitt. In this correspondence, however, Lord Ashburton expresses his strong disapproval of the last war. I will take one document of some importance; and I shall be surprised if I do not satisfy the House that a stain has been inflicted on the character of this country, such as it will be very difficult to parallel in the whole history of diplomacy. With respect to the Madawaska settlement, Lord Ashburton says:—

> "The history and circumstances of this settlement are well known to you. It was originally formed from the French establishments in Acadie, and has been uninterruptedly under French or British dominion, and never under any other laws. The inhabitants have professed great apprehensions of being surrendered by Great Britain, and have lately sent an earnest petition to the Queen, deprecating that being done. Further, this settlement forms one united community, all connected together, and living some on one and some on the other side of the river, which forms a sort of high road between them. It seems self-evident that no more inconvenient line of boundary could well be drawn than one which divides in two an existing municipality—inconvenient as well to the inhabitants themselves as to the authorities under which they are to live. There would be evident hardship I might say, cruelty, in separating this now happy and contented village."

Now, I will put it to the House, can any obligation be stronger than that which lies on a Sovereign to keep under his Government—except where he is bound by justice, or compelled by overpowering force, to cede a territory—all those subjects who are attached to his sway? The cession of a terrritory, the inhabitants of which implore you to retain them under your Government, is the very last calamity which conquest brings on a nation. The answer returned to this communication by the United States' Government is in a very different tone. Indeed, the whole tone of the correspondence on the part of the United States is firm, resolute, vigilant, and unyielding; but I must do them the justice to say, that except in this single instance, there is no case in which offence can be justly taken.

In this case I cannot acquit the Secretary of the United States of having offered something in the nature of a serious affront—I hope it was not intentional—to the English Government. The Secretary of the United States informs Lord Ashburton, in his reply to the noble Lord's letter, that he

> "Forbears from going into the consideration of the mass of other arguments and proofs, for the same reasons which restrain your Lordship from entering into an extended discussion of the question, as well as because your Lordship will have an opportunity of perusing a paper, addressed to me by the commissioners of Maine, which strongly presents the subject, on other grounds, and in other lights."

I think that, under the circumstances, I am entitled to say, that Mr. Webster adopts the opinions expressed by the Maine commissioners. He says distinctly that he will not enter into the arguments urged by Lord Ashburton, because he sends him a paper drawn up by the commissioners of Maine, which presents the question in a strong point of view. Now, see in what manner the Maine commissioners address themselves to Lord Ashburton's argument about the feeling of the people of Madawaska. They pronounce an invective on the tyranny which they allege England has exercised towards that very people. They say,

> "The hard lot and sufferings of these people and of their fathers, give them a claim to our sympathies. The atrocious cruelties practised upon their ancestors are matters of history. The appalling details of them are among their traditions. The fathers and mothers have taught them to their children. When fleeing from their oppressors in 1785, they settled down in the wilderness of Madawaska; they believed and understood themselves to be within the limits and jurisdiction of the United States, a people of whom France had been the friend and ally in the war which had just terminated in their independence, and who was still the friend and ally of France in peace. Their history since that period has lost little of its interest. Too few in number, too weak in resources, too remote to expect or receive aid, they submitted to whatever master assumed authority over them. With a knowledge of their history, and the wrongs they and their ancestors have suffered, it will be difficult for the people of Maine to bring themselves into the belief that these people are opposed to living under the mild and gentle sway of our free institutions. It will be equally difficult for the people of Maine to satisfy themselves that it is only from a lively and disinterested sympathy for these poor Frenchmen that the Government of Great Britain is so solicitous to retain possession of the south bank of the St. John, extending from the due north line more than fifty miles up to Fish River."

This is the paper transmitted by Mr. Webster to Lord Ashburton, in answer to his Lordship's earnest appeal in behalf of the people of Madawaska! It avers distinctly that the British Government had alienated the people of Madawaska by its cruel conduct towards them, and insinuates broadly that Lord Ashburton's declared sympathy for them was nothing but hypocrisy. I venture to say, that if any such paper had been addressed by Lord Ashburton to Mr. Webster, a sharp reply would instantly have been returned to it. Any one who looks at the whole of this correspondence, cannot fail to observe a marked contrast between the tone of the representatives of the two Governments. What was Lord Ashburton's reply to the passage which I have read? Nothing but an expression of profound respect for the gentlemen of Maine. His Lordship says, in his next Letter to Mr. Webster:—

> "If the observations contained in my note of the 13th ultimo have given rise to these consequences, I much regret it; and I would now pass over all these more than useless discussions, and proceed at once to notice the proposals you make, if I were not apprehensive that my so doing might be construed into some want of respect for the parties from whom these observations have proceeded."

Then comes an observation respecting the people of Madawaska:—

> "It is sufficiently explained in my plan for a settlement, why I was anxious not to divide, in two parts, by our new line of boundary, the Madawaska settlements; and I am sorry to say, that the information I have since received, both as to local circumstances and the anxiety of the people themselves, tends strongly to confirm my impressions."

That is to say, as he had said at first, that it would be a cruel act—that it would be "an evident hardship," to separate these people; that he should consider such a separation, by placing them under separate laws and Governments, "a most harsh proceeding"—that it would be making aliens of a people who wished to remain under the protection of the British Crown; but still—the noble Lord in effect goes on to say—but still, as the commissioners of Maine say, that it is hypocrisy in the British Government to say that these people wish to remain under our protection, you may take them. That is what Lord Ashburton says. And then Lord Ashburton puts the matter on the ground of humanity, and says,—

> "I had hoped that the other equivalents which I had offered, combined with the sense entertained by the government of the United States of the pressing importance of the case, on the ground of humanity, would have been sufficient for the purpose I so anxiously desired; but perceiving from your note, as well as from personal conversation, that concession on this point is insisted upon, I might be disposed to consider, whether my anxious desire to arrive at a friendly settlement would not justify me in yielding, however reluctantly, if the latter part of your proposals, did not, if finally persevered in, forbid all hope of any settlement whatever."

This was the miserable result. After being insulted by the commissioners of Maine, and told that the English Government was guilty of nothing but hypocrisy in pretending to feel any anxiety for the people of Madawaska, Lord Ashburton quietly gives them up! Now, if it was necessary to give these people up, was it necessary for the English Government to degrade itself by going to another government, and asking to be permitted to retain sovereignty over them, on the ground of humanity. Why should the Queen of England ask leave to retain control over her subjects on the ground of humanity. I can conceive only two grounds on which her Majesty's Government could be justified in resorting to the plea of humanity. If the United States had a clear right to the territory, we might with propriety have begged them to forego their claim on the score of humanity. Again, we might have had recourse to the same plea if we had suffered some terrible reverse in war, as we know that after the battle of Jena the Queen of Prussia almost went down on her knees, in order to obtain the single town of Magdeburgh; but, I ask, was there anything in the relations subsisting between England and the United States to make it imperative on us to say, "We have a right to these people; they are clinging to us for protection, we wish to retain them under our Sovereign's Government; pray, for the sake of humanity, let us do so." If the thing was to be done, if the Government had, after all, made up its mind to sacrifice them, why exhibit itself before all the world in the degrading position of a supplicant to the United States on the score of humanity. Most part of these negotiations were carried on generally at conferences and discussions; very little of it was conducted by means of writing. One of the most important articles in the treaty is the 8th, which appears to have been negotiated without a single line of correspondence having passed between Lord Ashburton and Mr. Webster. Now, if it was necessary that this country should submit to the disgrace which I maintain is involved in the Madawaska transaction, why was that not also decided by oral negotiation? Why was our humiliation paraded before all the world in this correspondence? Far be it from me to recommend anything like a contumelious policy towards other nations—far be it from me to advocate the adoption of a bullying policy; but I do say that the self-respect which exacts from nations, with whom we are treating — courteous conduct, is essential to the independence and security of a nation. There is a distinction between bravado and the adoption of a high tone becoming the position and character of a great nation. I have said that the correspondence on the Table exhibits a marked difference in the tone of the negotiation of Great Britain and the United States. Mr. Webster writes on this subject—

> "Your Lordship's observations, upon the propriety of preserving the unity of the Madawaska settlement are in a great measure just, and altogether founded, I doubt not, in entirely good motives. They savour of humanity and a kind regard to the interests and feelings of individuals. But the difficulties seem insuperable."

Well then, can any human being say, that our honour was not concerned in preserving to the British Crown this territory of Madawaska, the settlers upon it being anxiously desirous to remain under our sway. Observe too, the tone in which Mr. Webster receives even the mildest and gentlest remonstrance on the part of Lord Ashburton. Lord Ashburton had ventured to express a doubt in the correspondence relative to the *Caroline*, whether, in a particular instance, the American government would possess sufficient control over its subjects in their conduct towards other states—a very natural doubt, considering what has happened in late years. Mr. Webster, however, did not suffer the observation to pass for a moment without replying to it, and he declared—

> "It is for the Congress of the United States, whose attention has been called to the subject, to say what further provisions ought to be made to expedite proceedings in such cases; and in answer to your Lordship's questions, towards the close of your note, I have to say that the government of the United States holds itself, not only fully disposed, but fully competent to carry into practice every principle which it avows or acknowledges, and to fulfil every duty and obligation which it owes to foreign governments, their citizens, or subjects."

I ask any one to compare the letters o Lord Ashburton and of Mr. Webster from the beginning to the end of the correspondence, and to declare whether an entirely different spirit does not pervade every sentence of them. I think, therefore, that I have made out some ground at least on which to support the first point which I proposed to establish, and that there is grave reason to doubt whether the dignity of the country has not been grievously compromised in this negotiation. The negotiation I must observe, far from settling all the points in dispute between the two countries, has placed some of them in a worse position than that in which they previously stood. At this late hour I will confine myself to only one of these points. I undertake to prove that, with respect to that most important point in dispute between the two nations, the right of visit, the treaty of Washington has placed us on a worse footing than we stood on before. The right of visit has, it is well known, excited a strong feeling in the United States, and the right hon. Baronet opposite has declared that the British Government will not abandon it. Now I wish to understand from the Gentlemen opposite, what construction they put upon the words of the eighth article of the treaty? It runs thus:—

> "The parties mutually stipulate, that each shall prepare, equip, and maintain in service on the coast of Africa a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively the laws, rights, and obligations of each of the two countries for the suppression of the slave-trade; the said squadrons to be independent of each other, but the two governments stipulating nevertheless to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in consort and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such articles to be communicated by each government to the other respectively."

Does that article mean that we have ceded the right of visit or not? The right hon. Baronet has told us distinctly that it does not; but in what sense is that article received in the United States? The right hon. Baronet, if I understood him aright took some exception to the reference which has been made to the conduct of the American senate with reference to this question, and said that the president was the only executive organ. I contend that the senate is a portion of the executive power. Gentlemen must be aware that by the constitution of the United States, the consent of the senate is as necessary to make a treaty binding on America as the ratification of the Sovereign in this country. Now I hold in my hand the report of a speech delivered by Mr. Rioes, the senator for Virginia, and chairman of the committee of foreign relations to which the treaty of Washington was referred, and upon the report of which it was ratified. Mr. Rioes, in referring to the eighth article, said, that under that, each power is to act separately and independently of the other, and neither power would be at liberty to visit the vessels of the other. I say that the eighth article is, in fact, so much waste paper; for it has been received in one sense in America and in another in London. Her Majesty has ratified the treaty in the sense that it does not abandon the right of visit, and the American president has ratified it in the sense that it does. Did any one ever hear of such a mode of settling long-disputed questions between two countries, and laying the foundation of long-continued amity? It would be bad enough if the matter were to stop here for the present, and we should hear nothing of the results for four or five years; but the very hand which has sown the seeds of dissension has also provided for their immediate fructification. It is provided that each country shall send a squadron, to enforce separately and respectively the laws, rights, and obligations of each, and it is intended these squadrons are to act with a view to obtain the same end. How? Why, by one having instructions to enforce the right of search, and by the other having instructions to resist it. Was there ever such a device for bringing two nations into collision? Here are two squadrons, commanded by high-spirited officers, and manned by gallant crews—the one being instructed to do that which the other is told to consider an outrage on their flag. No device could have been more elaborately and ingeniously contrived to destroy the chance of maintaining pacific relations between the two countries. It is a curious circumstance that this article, so important in itself, and so strangely framed, is one respecting which not a single line of explanation is to be found in the correspondence—every thing respecting it would seem to have passed in conversation. Which of the two suppositions am I to adopt? Am I to suppose that Lord Ashburton, not intending to abandon the right of visit, yet in conversation with Mr. Webster inadvertently let fall some expressions which induced that gentleman to believe that he did abandon it. [Sir *R. Peel:* No]. I accept the right hon. Baronet's denial; but then, look at the other horn of the dilemma. How came it into the head of Mr. Webster, within a week of the signature of the treaty, to inform the committee of Foreign Affairs of the Senate that we had given up the right of visit?—and how came it into the head of the American President to make the same declaration? I am unwilling to attribute this apparent misapprehension to intention or misrepresentation on the part of the American authorities. Perhaps it is better to suppose that Lord Ashburton, in his conferences with Mr. Webster, allowed his speech to get the better of him. I have sometimes observed that that able and ingenious man, when on the floor of this House, allowed his speech to get the mastery of him, and so has given utterance to words which he had not well weighed before, nor could accurately remember after. To suppose that the government of the United States should, before the ink of the treaty was yet dry, have committed an act of state craft such as its conduct if insincere would be, is to imagine a proceeding which could not be accurately described in very mild terms. However, the first proof we have of the amicable effects of the treaty of Washington is, that on the first day of the Session, the Prime Minister of England is obliged to rise in the House of Commons and contradict what the American president had stated about the eighth article. This is not a symptom betokening the existence of that state of amity which we have been brought to expect would be the result of the treaty. I cannot help referring to another point, I allude to the bill introduced into the Senate respecting the Oregon territory. That such a bill should have been carried by a majority, is sufficiently indicative of the state of feeling in America towards this country. It should be borne in mind, that the senate is not dependent for its existence on the popular will; it is elected, not by a democratic body, and endures for six years. It is a body which comprises amongst its members a large proportion of the men of the greatest weight and most distinguished for their ability in the United States. When such a bill as that about the Oregon territory can find supporters in such an assembly, it shows the state of public feeling which has sprung in America from the Washington Treaty. One other matter connected with this view of the question I may refer to. It was, it must be admitted, sufficiently ungracious conduct on the part of the American minister at Paris, General Cass, to interfere to prevent France from joining in the treaty of the five powers on the subject of the right of search. But was it necessary that, in the very first speech which the American President made after the signing of the treaty of Washington, he should take credit for having, in that respect, frustrated the policy of England? This is another proof of the amity which has sprung up from the Treaty of Washington. Look again at the language used in the Senate—not only the language of those who entertained strong feelings against England, but of Mr. Calhoun, who was always supposed to be favourable to this country. What did he say? when speaking on the right of visit. He said, that if England put any other interpretation on the treaty than that in which it was construed in America, she must "do it at her peril." Does this look like a pacific result? The right hon. Baronet tells us that he has not abandoned one particle of his position, and he will not, of course, now disgrace the country by receding. The noble Lord had spent eight or nine months in arranging a treaty which is to secure peace and friendship, and what is the result? Are not the symptoms of pugnacity still greater than they were before? And is not this the natural result of the course which has been pursued? What other effect could be hoped for? How can any nation respect a Government which has ceased to respect itself? I said before, and I now repeat, that, instead of procuring for us the blessings and advantages of peace, the course pursued has every tendency to plunge us speedily into a war with America; and it is because of the strong sense which I entertain of the advantages of peace, and because I feel that the policy indicated in the papers before the House is not calculated to insure peace, that I now express those sentiments. It will not do for this country at one moment to take certain steps in the cause of humanity, and shortly after to retrace them when resisted by other nations. The moment we abdicate any one object because of the resistance of another power, England loses the high place which she holds amongst the nations, and then every other power will be increasing in its demands for fresh exactions. What do we see daily in the French papers? They have taken the tone from this circumstance, and are constantly referring to the example of America as one to be followed. They say, only let M. Guizot bully the English as the American President has done, and France would soon triumph over the arrogant pretensions of the haughty islanders. Everything in the country conspires to make it an object of general envy with other nations. Its great power, its immense wealth, its extensive empire, its flag floating in every sea, all contribute to that effect. It is easy to talk of the treaty of July, and to attribute the feeling of hostility to that, but it is well known, everybody knows, that even the powers who are parties to that treaty, entertain a feeling of envy towards this country. Under these circumstances, I am satisfied that if you suffer yourselves to be treated with anything like contempt by other nations—if you allow any doubt to arise as to the spirit with which you are prepared to maintain the interests of this country in your dealings with the other powers of the world—if you allow it once to be thought that the higher the ground taken by others the lower will be your tone, and the more submissive you will become—if you allow these impressions to go abroad, founded upon your public intercourse with any one nation, then I am satisfied, I say, that you will soon have to contend with more than one enemy for your place among the nations of the world. I do not say that these are maxims which can be used by every Government. I do not say that there may not be some petty principality or some insignificant republic to which they would not apply, that there may not be some Duke of Lucca or some republic of Geneva that might not find it safe to adopt them; but I say that that is not the state of our country; that she has been too great ever to find her safety in humble littleness. If she cannot find safety in her firmness and her dignity, England can never find it in subserviency and shame. These are my charges against this treaty. Allowing, in the first instance, that the boundary line is not the only direct source of censure, I say that the negotiation generally has been conducted in such a manner as to lower the character of this country. And secondly, I say that the negotiation has been so conducted, and the treaty has been so framed, that it has left one of the most serious causes of irritation more inflamed than before. I say, that one article of the treaty has been ratified in one sense at Washington and in another sense in London. I say, that you are both sending your squadrons to meet each other under circumstances in which they can be scarcely friendly. I see no symptoms leading me to believe that the effect of all your humiliation has been to obtain any kind feeling, any esteem, any respect from the United States. On the contrary, as far as I can judge the disposition on the part of public men in the United States, I think they seem to believe that that power has nothing to do but to take a very high and resolute tone in order to obtain whatever it may wish. I think, too, I can see in the feeling of the other powers of the world towards you the effect of what you have done with the United States. I think I can see on their part a belief that they advantageously profit by adopting the example set them by the United States. And I conceive, therefore, that this policy of yours, though professedly pacific—and which, as far as your intentions and those of Lord Ashburton went was, so—is more likely than any other policy ever adopted by any Government of this country to bring on before long some most fearful and devastating war.

Sir *H. Douglas;* My right hon. Friend, the right hon. Baronet at the head of her Majesty's Government, having referred to me as particularly conversant with this question, I cannot hesitate to rise in conformity with that reference. Indeed, I shall never shrink, however reluctant I am to trespass on the time of the House, from taking a part in any discussion which may come up upon any matter on which I may speak on my own actual experience and personal knowledge. Had I been called upon, some ten or twelve years ago, to state my opinion as to the expediency of compromising this question by a Conventional line such as is contained in this treaty, I certainly should not have been prepared to advise, support, or defend such an arrangement as this. But, Sir, this question has undergone great and important adverse changes, since I had any thing to do with it, by which it has been brought into a position far less propitious to an amicable and successful assertion of British claims, and the establishment of British rights, than it was at the period of the accession of the noble Lord, the Member for Tiverton, and his Colleagues, to office. Will the House permit me to explain, and which I shall do as concisely as possible, in what these changes consist, and why I should now defend an arrangement which I would have deprecated twelve years ago. I shall travel very rapidly over the ground which the noble Lord has traversed very leisurely and ably, from the period of 1783 downwards; for I shall make but one stop between that period and the time at which I first became practically connected with this question. That stop I shall make at an ill-omened period in the history of this controversy, viz. 1794, when, by a convention of arbitration between the two countries, the eastern source of the St. Croix was decided, and declared, to be the point from which should be drawn the north line, which, together with some other line, the existence of which is, however, nowhere to be found or proved, was to form the N.W. angle of Nova Scotia, described in the treaty, but never laid down, and from the point of which angle the Boundary should be traced along certain high lands, the description of which it is not necessary now to go into. When I was appointed to the Government of New Brunswick in 1823, I raised the question whether the Monument—a monument indeed!—erected at that point, might be attacked, and the proceedings which had placed it there, be overthrown; whether, in short, we could get into the terms of the treaty, unshackled by this arrangement: the answer was—No, that is not an open question—to attack the monument, would be to attack the faith of treaties. We were, therefore, obliged to make the best of a case, by no means so good as it would have been, had the north line been drawn from the western, instead of the eastern source of the St. Croix river. The lineal frontier of the United States was, accordingly, fixed in position, and in extent too, at least as far as Mars Hill, by this unfortunate arrangement of 1794; and from this results the great disadvantage and inconvenience of that frontier being so near to the river St. John, and, consequently, to the line of communication, by the ordinary route, through New Brunswick, to Quebec. If hon. Members will refer to the maps, which I perceive many have in their hand, they will observe this proximity, and see that between the Monument and Mars Hill, there stands the United States town and military post of Holton Town, which, communicating nearly with the upper waters of the Penobscot, possesses, by that communication, advantages as a military communication which ours does not; and which makes of Holton Town what, in military parlance, we call a *tête*, from which an inroad into the British Province, or incursions to intercept the communication through it, by the ordinary route, are much more dangerous than any that could be made from any other part of the north-eastern frontier of the United States. Now, no possible termination, or adjustment in, the late arrangement—nothing that Lord Ashburton could have done—could have remedied this fixed and settled inconvenience and disadvantage; and it is for this reason that I have adverted here, to this material circumstance, before I proceed further into this question. When the government of the United States were preparing for the submission of this case to arbitration, they had the sagacity to see that, inasmuch as possession is nine points of the law, they would proceed to arbitration with manifest disadvantage in claiming a territory of which we had always held entire and exclusive possession and jurisdiction, and therefore they determined to shake those rights, by various encroachments and intrusions. Agents were sent into the disputed territory, to perambulate and reconnoitre and report, at several periods. Against these intrusions I protested, upon reading their proceedings, as published afterwards, in the United States papers, or reported to me by our own local authorities; and I was little prepared for so serious an attempt to disturb the possession, as that which soon afterwards was made. In October, 1827, an agent, by the name of Baker, was sent from the States of Massachusets and Maine, and with the knowledge, if not the consent, of the government, to dispute the right of Great Britain to the exclusive possession and jurisdiction of the territory claimed by the United States. Baker proceeded into the Madawaska Settlement, and warned the settlers that the disputed territory was as much American as British territory; that the people did wrong in obeying British laws, serving in the British militia, voting for Members of Parliament; that the possession was constructive, and that the jurisdiction and sovereignty, as well as the possession were concurrent. And this agent so timed his proceedings, as to intercept the postman conveying the British mail from Halifax through Frederickton to Quebec, and he warned him off from ever intruding on that territory again, without the consent of the government of the United States. I had received instructions from Lord Bathurst in November, 1825,

> "Not to relinquish any act of practical sovereignty which had ever been exercised in and over the disputed territory."

Those instructions did not contemplate, nor did I, such an aggression as this; but I determined to interpret them further for myself. I considered that Great Britain, as the original possessor, by colonization and conquest, of the whole of British North America, must remain vested with the possession of the whole of that territory, until divested of it by competent acts and powers; that where any doubt existed, as to the demarcation of those portions set off, from the original possessions of Great Britain to the United States, that doubt must be construed in favour of her retaining the actual possession of any part so claimed; that the United States asserted a claim to more territory than had been set off from the possessions of Great Britain by the treaty of 1783, but that until they established their right to this, and the Provincial Government should be directed so to relinquish the territory, thus claimed, it was my duty to maintain the possession and jurisdiction inviolate, and exclusively, without any distinction between that, or any other part of New Brunswick. Persons of my profession are sometimes suspected of being too prone to resort to our short-hand process of force—I think this is much otherwise. Besides, the education we receive as British gentlemen, general-officers must have been trained, through a long period of service to know, that the military is subordinate to the civil power, and that it should never be called upon but by, and to support the other; and when these two powers are vested in the same person, there is, I think, less danger of military force being resorted to improperly, or too soon. Thus, Sir, instead of sending for the Adjutant-general, I sent for the Attorney-general. I directed him to issue his precept to the high-sheriff of the county, to send him with a posse of constables to apprehend these parties, to bring them to Frederickton, to lodge criminal information against them for a seditious conspiracy within British territory, and to let the case go to the Supreme Court of the Province for adjudication. This, of course, occasioned great excitement. Immediately afterwards, I received a letter from the Governor of the State of Maine, protesting against the arrest of John Baker in territory which he (the Governor) maintained to belong to the United States, and demanding Baker's release, and the withdrawing of all pretensions to exclusive jurisdiction, and that I should grant him full indemnity for his detention. That he, the Governor, would not do more than advert, delicately and respectfully, to the evils that must be produced, unless I complied with these demands, but that the arrest of their citizens on what they believed to be part of their own State, demanded its utmost energies for resistance. A proclamation at the same time appeared, of a very hostile character, and a large militia force was immediately called out. I had great scruples as to the propriety of being drawn into any correspondence with the Governor of the State of Maine; but I thought, upon reflection, that I ought for once to do this, merely to answer, courteously and respectfully, his letter. I hope the House will pardon me for dwelling upon this very material circumstance; it has little importance from any personal consideration relating either to the Governor of Maine or of New Brunswick; but the release of Mr. Baker, on this demand, or the stopping proceedings against him, would have amounted to an abandonment of the right I had asserted, by his apprehension. I was therefore determined to let the proceedings against him, go to their issue. I hold in my hand a copy of the answer I wrote to the Governor of Maine. I acknowledged the receipt of his Excellency's letter; I stated I would not presume to question the propriety of his Excellency's opening a correspondence with the governor of a foreign province, but that I knew I had no right to correspond with any, excepting those under whose orders I was placed, or with whom I had been directed to correspond. That if anything arising out of my administrative acts, was considered by his Excellency as giving him any cause of complaint, I would suggest that it would be his duty to make reference to his own general government, who would apply to His Majesty's Minister at Washington, to whom I would afford whatever information he might call for, to enable him to make whatever explanation he might deem fit; but that I could enter into no further correspondence with the Governor of the State of Maine. I assured his Excellency of my sincere and cordial desire to do all in my power to meet, with respect and consideration, the amicable disposition which his Excellency professed, and so to keep the questions at issue between the two countries, in a state the most propitious for amicable adjustment, and that would be by neither of us interfering with the question of right; and he, not to interfere with a possession which I was resolved to maintain inviolate. A few days after this, a gentleman, furnished with credentials from the Governor of the State of Maine, arrived in Frederickton, and requested an audience of me, to present a despatch, empowering him to demand the release of John Baker, and, moreover,

> "That the persons who arrested him, should be delivered up to be tried by the laws of Maine, and dealt with as justice might require."

I declined to recognize Mr. Davies in any official capacity; but considering this gentleman as a stranger of distinction, travelling in British territory, under the high introduction of the Governor of Maine, I directed that this very agreeable and excellent person (as I have since known him to be) should be received with the greatest kindness and courtesy. The States of Massachusetts and Maine appealed to the general government for support; a detachment of the national troops was immediately ordered up to the frontier. The American Minister at the Court of London, Mr. Lawrence, was directed to demand, that orders should be sent to me to release Baker; to indemnify him for detention, and to withdraw all pretensions to exclusive jurisdiction; and intimating that nothing but this, and my recall, could prevent war. The British Minister, Mr. Vaughan, was firm in his conduct, and confiding in my proceedings —and here I must refer to the able, firm, and dignified conduct of this very able and distinguished person—and I congratulate myself, upon having been so supported. His Majesty's Government supported me firmly and ably. I refer with great satisfaction to the correspondence which took place in August, 1828, between the late Lord Dudley, and particularly Lord Aberdeen, and Mr. Lawrence, on this subject. These, and the communications I received from the Colonial Office on this occasion, are, I may say, among the most valuable I possess. In the mean time the proceedings against Baker were carried on. After granting, on his application, more time to prepare, he was tried on 12th May, 1828, and sentenced to a short imprisonment, and a moderate fine. I took care the sentence should not be vindictive. Baker, having completed his confinement, refused to pay his fine, and thus prolonged his own imprisonment, for several months. This occasioned fresh excitement on the frontier, and threats that the United States' troops would march into the province I did not heed these—nor move a soldier or a constable. My preparations were made, and I should have had no difficulty how to act, had the frontier been crossed. Baker seeing me steady and determined, paid his fine to the King, and was released. Towards the end of the year, 1828, preparations were making in Maine to make a military road from Mars Hill, into the disputed territory. I protested against this, in December, 1828, and again in March, 1829, and I announced my determination, that if this should be attempted, I would not again have recourse to law proceedings, but, acting on the verdict pronounced against Baker in the supreme court, I would interfere, with military force, to prevent any intrusion into the disputed territory. This effectually deterred the Americans from any similar attempt in my time. Having reported all this to his Majesty's Government, I was ordered home, to be consulted on the statements then preparing for submission to the King of Holland. I must here say, that I considered the carrying out of these proceedings against Baker, of such vital importance, that I was determined I would not, under any circumstances, stop those proceedings. I stated this in the strongest terms. I will now confess, that even if the Government had been so weak as to direct me to do this, instead of supporting me in the vigorous and firm manner they did, I was determined to disobey this order, and resign my post. Now, Sir, upon the spot, the very identical spot, where I caused Baker to be apprehended, and thus firmly asserted exclusive possession, jurisdiction, and sovereignty, there now stands an American fort, established during the noble Lord's time, after a series of encroachments on the one hand, and concessions on the other, which I shall quickly run through. Why, Sir, this was concession, compromise, surrender, and even capitulation—it was conceding all I had contended for; it was the surrender of everything I had asserted. The territory to the south of the St. John's was thus wholly usurped and taken military possession of. Fort Farifield was permitted to be built on the north line, nearly opposite to the mouth of the British river "Tobique," and the blockhouse, or Fort Jarvis, on the spot where Baker had been apprehended on the right bank of the St. John's, near the Fish river. Thus military possession of the country was taken by the United States; and, notwithstanding all the sympathy which has been expressed by the hon. Member for Edinburgh for the inhabitants of the Madawaska settlement, to the south of the St. John's, they were thus, provisionally, at least, turned over to the United States like serfs, by thus permitting the United States to acquire a possession, which, it was clear, would never be relinquished; and, moreover, the noble Lord offered to confirm this, without reserve, by the deliberate acceptance of the King of Holland's award, and afterwards by a distinct proposition that the line of the river St. John should be the boundary, from where the north line from the monument cuts that river. I shall say nothing here about the award of the King of Holland, but proceed to run through a series of encroachments and concessions as shewn first in the correspondence laid before Parliament in the folio 1831 to 1837. I resigned the government early in 1831, on account of some measures, adopted by the Government, which I did not like. I hope the House will not be alarmed at the appearance of this folio; but, at this late hour of the night, I have too much consideration for the House to do more than to advert, very cursorily, to its contents. It contains four causes of aggression and encroachment which I shall particularly mention. The first is that of the election held in the Madawaska settlement, under warrant of one of the justices of peace for the county of Penobscot, calling together the inhabitants of that district, to elect a moderator, town clerk, select men, and constables. These parties were apprehended by order of the then lieutenant-governor of the province, for "usurping the sovereignty of a large portion of his Majesty's dominions on both sides of the river St. John." The American Secretary of State, Mr. Livingstone, complained of this. He did not indeed demand their release, but he requested it, and the parties were, at the instance of Mr. Livingstone, liberated, by instructions from his Majesty's Minister at Washington. The next case is that of opening a road, beyond the acknowledged boundaries of the United States, into the disputed territory, as far as the Restook river, and ultimately to be prolonged to the Madawaska settlement. The lieutenant-governor, of New Brunswick here, too, protested against this invasion of the territory. The British Minister likewise protested against these encroachments by the United States. The general government declined to interfere; they pleaded that "the direct control which the President can exercise over the state of Maine separately, is not clearly defined, and is almost resisted." The British Minister continued to protest against the construction of the road, and this was reported to the noble Secretary of State for Foreign Affairs; but Maine, nevertheless, was permitted to proceed, and the road was carried on. In August, 1837, a certain "Ebenezer Greely" was sent into the Madawaska settlement, to take the census of the population there, and in other parts of the disputed territory, as belonging to the county of Penobscot, in the United States. He was apprehended by the provincial government. The American government required his release; a correspondence ensued between the governors of New Brunswick, and of the state of Maine. Greely is informed, that,—

> "If he would desist, and would withdraw from the district, he would be allowed to do so—otherwise he would become amenable to the laws of the province."

Greely rejected the proposal, and was remanded to gaol. The Governor of the State of Maine complained of this,

> "As a deep invasion of the soil and Sovereignty of the State, and required the immediate enlargement of Mr. Greely."

This was reported to Lord Palmerston. Mr. Stephenson had previously demanded of Lord Palmerston,

> "The liberation of Greely, and compensation for his alleged wrongs."

No answer to that demand appears in the correspondence; but Sir John Harvey says, July 31st, 1837, that,

> "He had enlarged Ebenezer Greely, in consequence of a despatch he had that day received from His Majesty's Minister at Washington."

Greely was accordingly released on the 5th of August, 1837. On the 26th of the same month, of that year, Mr. Greely re-appeared in the Madawaska Settlement, resuming his former functions, viz. taking the census therein. He was immediately apprehended. Now, here it will no doubt be imagined, that, caught in so prompt and impudent a repetition of this aggression, vigorous measures would be adopted to punish this second very serious invasion of British rights. What does the House think was now done? Why, Greely was released again. The other case to which I would refer had I time, is that of the aggressions from New Hampshire into the disputed territory. These are contained in pages from 83 to 142 of this folio; but at this late hour of the night, I must lay it aside. I now come to the Folio of Correspondence from 1840 to 1841; and here I do particularly regret, that having been obliged to address the House at so late an hour, I must, out of consideration to the House, run rapidly over this part of the case likewise, referring to, rather than explaining, what I so much wish I might detail. This folio shows a complete and connected series of encroachments on the one hand, and concessions on the other: and, first, with respect to concurrent civil jurisdiction. A proposition to that effect had been suggested to me, on the specious pretext of preventing collisions and disorders between the authorities of Great Britain and Maine; but I had imagined that the best way to preclude these, was to keep those powers asunder, and to repress all such disorders by British authority, exclusively. But the noble Lord opposite acceded to this request, as appears by his despatch of June, 1840, instructing Mr. Fox,

> "That the best way of maintaining friendly relations between the two countries would be to place these matters in the hands of the two Governments."

Why, this was conceding concurrent civil jurisdiction. The consequence was, a proposition made by the United States, that each government should have charge of maintaining order in the disputed territory, by means of a civil force, to consist of an equal number of British subjects, and American citizens. This, Lord Palmerston assented to in August, 1840; and it was accordingly carried into execution. The government of the United States having made out this point, then objected to an exclusive military possession of the disputed territory by us, and complained of it accordingly,

"As a direct and palpable infringement of the subsisting arrangement;" (And)—
"Demanded the withdrawing of those troops whose presence was a violation of the existing agreement."

The State Government of Maine called accordingly on the General Government,

"To take measures for the removal of the British troops. April, 1841."

What was the reply; an order for the troops to remain?—No; they were withdrawn. The next proposition was to substitute detachments of national troops of Great Britain and the United States, in lieu of the civil posses, which, so far from having produced order, had occasioned disorder. Lord Palmerston, in July, 1841,

"Approved of the expediency of withdrawing the civil posses from the disputed territory, and of letting that territory be provisionally occupied by regular troops of Great Britain and the United States."

This was surrendering another important point, viz. exclusive military possession, for which I have contended. After this admission of concurrent military possession, it was of course impossible to dispute the right of the United States to make a military communication; and accordingly, a military road was carried all the way across the disputed territory up to the St. Johns, and the establishment of military posts followed as a natural consequence; for the forces employed must needs have some abiding place. The Forts Fairfield and Jarvis were accordingly erected, by which the United States obtained, what they had long sought for—concurrent possession of the whole territory, up to that demarcation, under the American flag. Lord Sydenham does not appear to have approved of this. He says,

"It ought not to have been admitted; but, that under existing circumstances, it would not be advisable to disturb them."

This is a true picture of the effects of all concessions, in such cases as this. The most remarkable change is, that the presence of British troops in any part of the disputed territory, even to the north of the St. John, was then denominated—(See Resolution of the Legislatures of Massachusetts and Maine, page 128)—British aggression, British invasion, British violation of the territory of Maine! Now, as to the effect of these concessions. Sir William Colbrooke, Lieutenant-governor of New Brunswick, states, that the people of Maine were seeking on every occasion to avail themselves of any opening to advance their pretensions; and that if the Warden appointed by the Provincial Government (I appointed him) should have occasion to require the assistance of troops in support of his authority, it would occasion fresh excitement and difficulty. Lord Sydenham states, May, 1841,

"His most decided opinion, that the Americans ought never to have been permitted to form such establishments as had been admitted; and which presented the curious anomaly of an armed force, in the pay, and under the authority of a foreign state, stationed within a district over which her Majesty claims, and has ever exercised jurisdiction."

And Sir William Colbrooke states (page 149), that

"The general effect was most serious, showing the inefficacy of the concessions made to the Americans, and the undue advantage they have taken of the conciliatory disposition manifested towards them."

And now, as to the effects, the serious dangers and difficulties, occasioned by having permitted the United States to assume the position they had taken in the disputed territory, Sir William Colebrooke reports to Lord Sydenham, June, 1841,—

"The great difficulties resulting from the position which the Americans had been permitted to assume; his serious apprehension that collisions could not be avoided; and that, in fact, the assumption of jurisdiction within the disputed territory, and the establishment of a military post there, rendered it impracticable for the British Warden and the other magistrates to exercise any authority in that quarter."

And, finally, Lord Sydenham declares to Mr. Fox, June, 1841—

"That, under these circumstances, the claims of Great Britain will be virtually decided by the occupation of the country by the United States, without the intervention of either government, upon the question of right."

I have thus shown, that there was, at the period to which I have brought this sad history, a practical surrender of all that I had contended for in the case of Baker; and of all that I had done to maintain possession, and exercise exclusive jurisdiction, throughout my administration. I went to the Ionian Islands in April, 1835. I shall ever retain the interest I feel in the affairs of British North America; and I keep up an active correspondence with it. I saw and feared, that this question was, by procrastination and encroachments, getting into the danger which I have just explained. I have not reserved the information and knowledge I possess of that question, for any party purpose. I communicated much of what I am now saying on American affairs, to her Majesty's Government; to Lord Glenelg on one occasion; to the Marquess of Normanby, April, 1839, upon another; to Lord John Russell in December, 1841, on another—sincerely desirous of making that, or any other knowledge or information I may possess, available to the interests of my country, under any Administration. The Letter to Lord Normanby was particularly directed to show the importance of maintaining, firmly, the actual and exclusive possession, and likewise to urge the Government not to listen to any demand for the free navigation of the River St. John, up and down, as a right, which if conceded, the United States would apply to the River St. Lawrence. I have thus represented the real state of the case at the time Lord Ashburton entered on his functions. What was the effect of these concessions, as proved by the tone and terms used by Mr. Webster in reply to Lord Ashburton's proposition? If the United States had continued to be kept within their own acknowledged boundary, and never permitted to intrude into, or encroach upon that to which they claimed a right, but of which we exclusively held possession, there must have been a coming up, an advance on the part of the United States, to any conventional line which might be made to compromise this question—and accordingly, as in this case, an actual acquisition of territory by the United States, and a relinquishment by us. But instead of this, what do we find? Why, that the United States, having been permitted to assume possession of the territory, Mr. Webster, far from speaking of acquisition of territory, talks of the difficulty of relinquishing to Great Britain part of her own possession—yielding a valuable territory in another point, *videlicit* the Madawaska Settlement to the south of the St. John; in another passage, the relinquishment of another large portion of Maine territory north of the St. John; and, as an act of great generosity, consents at length to yield to Great Britain,

> "All she needs, to secure her an unobstructed communication and connection of her colonies, with each other."

The noble Lord must have adverted to this, when he spoke of the arrogant tone adopted by Mr. Webster on the part of the United States, in his answer to Lord Ashburton's proposition, as though they, the United States, were the actual owners of the soil. But what else could have been expected, after such a series of encroachments on the one hand, and concessions on the other, as those to which I have referred? Did the noble Lord think that, after having been permitted to push their military posts up to the St. John, they would ever retire, unless driven back by force; or, in other words, without a war? Did he think that the United States would, under any circumstances, withdraw from the territory they had been permitted to usurp? that they would abandon and dismantle the fortifications they had been permitted to construct; strike the national flag they had been permitted to hoist—or, that they would be satisfied with any conventional boundary, short of the line which the noble Lord had permitted them to take? The Government of the United States was determined to make their stand there; and to meet Lord Ashburton in a manner and with a tone, which the concessions made by the noble Lord enabled and encouraged them to assume; and, if there be anything in this treaty, in the opinion of any hon. Members, inconsistent with the interests of the country, prejudicial to the safety of our North American possessions, or derogatory to the honour of the Crown, I do say, that it is not to the charge of the present Government, that these evils should be laid, but to the charge of the noble Lord, who had permitted the civil jurisdiction, and military occupation of the territory, to be subverted and usurped; and which left nothing for his successors to do, but to compromise the question by a conventional line, or to adopt the other alternative, and go to war. Now with respect to the treaty itself, and here again I must express my regret that I must be very brief, I do regret that the line of the St. John, as a frontier, should not have been established, throughout, up to its proper source. I admit, that having assigned to the United States any territory to the north of the St. John is an eyesore; and certainly, if it had been possible for Lord Ashburton to refuse this, without rupturing the negotiations, he is much to blame. I had advised, strongly, the line of the St. John. It appears that Lord Ashburton proposed and pressed this, as far as he could; and there is every reason to believe that, if he had stood out for this, the agents of the State of Maine, to whom this was referred, would not have consented, and that the negotiations would have been ruptured accordingly. That portion of territory, cannot for a moment be considered worth standing in the way of the final settlement of this question. It is a poor territory, with very little valuable timber; and, as to its value in a military point of view, as bringing the United States Boundary nearer to the river St. Lawrence, and affording means of aggression, the frontier in that part, is twice as far from the river St. Lawrence, as that awarded by the King of Holland, which the noble Lord accepted. It is traced in a bottom, with commanding hills in front, between it and the St. Lawrence. The now decided frontier, is five times as far from Quebec, as Holton Town, the American Port, on the north line, is from the St. John's river; and nine or ten times as far from the river St. Lawrence (with commanding positions intervening) as Fort Fairfield is from the military communication between St. John and Quebec, along the St. John river; and, let the House bear in mind, that this fort the noble Lord permitted the Americans to erect.

Now, with respect to defence, it will not, of course, be expected, for obvious reasons, that I should go at any length, or in detail, into this part of the subject; but, I have no hesitation in saying, that nothing essential to defence, has been sacrificed by this treaty. As I have already said, the position most menacing the province of New Brunswick, and most inconvenient and dangerous to the military communication along the river St. John, is the United States military post of Holton Town; because it is the position of that line, as unhappily laid down from the eastern source of the St. Croix, which gives that lineal frontier its dangerous proximity to the river St. John throughout; and it was not in Lord Ashburton's power to remedy this. The great and main point of defence for the river St. John, and for the Province of New Brunswick, is St. Andrew's, and the territory on the right bank of the St. John. A respectable and permanent military post should be established at or near St. Andrew's; and means taken to ensure, under all circumstances, the possession of Passamaquoddy Bay, a capacious and magnificent bay, open at all times and seasons, one of the very finest bays, harbours, and roadsteads, on the coast of North America. So long as St. Andrew's, and that bay, shall be firmly held, no movement can be made towards the city of St. John's; nor any, with safety to an enemy, into the Province of New Brunswick; for St. Andrew's being thus a post into which, as commanding Passamaquoddy Bay, a large force might at any time be thrown; by the command which we have of the sea, St. Andrew's may not only become a point of pure defence, but of active offence, against the enemy's communications, as the map will show, which would effectually deter, if properly supported, any incursion, into New Brunswick. Then with respect to Rouse's Point, on the upper end of Lake Champlain, it was awarded to the United States by the King of Holland. The noble Lord accepted that award, and pressed its acceptance upon the government of the United States, for about three years. Rouse's Point is coveted by the United States, because, in our hands, it would be an offensive point against them, by commanding the entrance into the lake; but it is not a defensive point essential to us. If even we retained Rouse's Point, it would not be expedient to erect a fortress or post there: either would be highly inexpedient. It is an error, in general, to establish on any line, frontier, or advanced point, any work which, if not well supported, must fall immediately; and which, if supported, would render it necessary to do so, to such an extent, as necessarily to bring on, great operations upon a point most inconvenient on the one side, and most convenient on the other. It has been well said, that an army thus forced to fight, is more than half beaten. Against Rouse's Point the United States might bring, with the greatest convenience, combined forces, which the command of the lake would enable them to do, and which, to withstand, would require Rouse's Point to be supported with all our force, most disadvantageously and dangerously. The United States having gained that point, have attained their object; but they show no disposition to fortify it.

Now, as to military communications. I have already shown that the inconvenience and danger arising from the proximity of the frontier, to the existing military communication through New Brunswick, could not have been remedied by anything within Lord Ashburton's competency to effect. The truth is, that the existing military communication, through New Brunswick, with Quebec, is, at best, a very bad, inconvenient, and objectionable line; and this would be so, if even Lord Ashburton had gained for us, all the territory to the north of Mars Hill. A military communication, near and parallel to a frontier is, and always must be, inconvenient and dangerous. A better and safer military communication between Halifax, through New Brunswick, to the St. Lawrence, is, by Truro in Nova Scotia to Cumberland at the head of the Bay of Fundy; thence to Schediac, Reuchibuctoo, Miramichi, on the gulf shore of that province; thence to Bathurst, and Dalhousie, on the bay of Chaleurs, and from thence by certain rivers and lakes, in the line of which a good military road should be made, taking the line of the river Metis, to the St. Lawrence. On this line, called the Kempt Road, as suggested by the gallant and distinguished officer whose name it bears, we worked together; and this is the communication that should be established.

With respect to navigation of the river St. John, I will not attempt to go into detail on this part of the question, at this late hour; but I am prepared to defend it.

For all these reasons and considerations, I will avow, that I approve of this treaty; that I recognize the eminent services of the distinguished individual who has negociated and brought it to a satisfactory conclusion; and I approve, highly and decidedly, of the ability and conduct of the noble Lord, the present Secretary of State for Foreign Affairs, and of her Majesty's Government, who, by their instructions, have accomplished this great settlement. But I must condemn the conduct of the noble Lord opposite, in having weakly conceded so much, as to have rendered such a compromise necessary. I admit that many of the despatches written by the noble Lord, contain, strong and good writing, exhibiting many flashes of spirit, and most commendable expressions of firmness—but these were but writing; and against all this, dealing with facts, I must again point to the several concessions made by the noble Lord, which admitted concurrent civil jurisdiction, concurrent military possession, and then the erection of American forts! There they stand! Nor let the noble Lord imagine, that I, by the vote I gave the other night, refusing inquiry into another part of the noble Lord's policy,—that I approve of that policy. I do not agree with my right hon. Friend, the right hon. Baronet at the head of her Majesty's Government, that inquiry was inexpedient, on account of trenching on the Royal prerogative, because that objection, carried out, would preclude all inquiry on the part of this House. But I do agree, and I do feel, that inquiry would do no good—and might do much harm. It would dry no tears; it would assuage no grief, public or private; far from obliterating, it would revive the recollections of a terrible calamity; far from appeasing, it would embitter the sense of a recent disaster; and it certainly would not tend to impress the world with any high notion of British wisdom, or British policy, on the part of the government which directed that measure. The errors that were then committed, have been repaired; that ill-fated movement, beyond natural and reasonable limits, has been retraced, with credit to our arms; and with as little discredit to the country, and not more of anguish, than are consistent with, and due to, the terrible traces we have left behind, —the remains of our gallant countrymen, and their associates in arms, mouldering, unburied and unblest, in the fastnesses of a remote and savage region. The peace which had been disturbed by the noble Lord, has been restored; the confidence which had been impaired, has been regained; the Empire which had been shaken to its basis, has been re-established in all strength, moral, military, and political. It needed not, then, to institute unavailing inquiry, into what cannot be undone; and no more need be said on a subject, on which enough has been said and felt, to condemn it to all posterity. If, in the attack which the noble Lord has made on the foreign policy of her Majesty's present Government, and on the conduct of Lord Ashburton, the noble Lord opposite should have suggested, excited, or awakened any suspicion that there is anything in this arrangement, inconsistent with the public interest, detrimental to British North America, or derogatory to the honour of the Crown, then will that noble Lord have, by the proceedings of this night, called down upon his own head, in an especial manner, the serious responsibility of having, by procrastination and concession, rendered that compromise, or a far worse alternative, necessary; and if, amid considerations so momentous, and interests so vast, this House can stop, for a moment, to listen to those which speak in the person who has now the honour of addressing the House, I hope that the House will think I did my duty in maintaining, firmly, as the servant of the then Government, the rights of jurisdiction, possession, and sovereignty, which that Government nobly asserted; and that now, under existing circumstances, I do my duty, as conscientiously, and not less fearlessly, in defending an arrangement which, upon the whole, I think, accomplishes every reasonable expectation, and attainable object; and which entitles the Government of her Majesty, by which this settlement has been accomplished, and the eminent and distinguished person who has been the happy instrument of effecting it, to the approbation of this House, and to the gratitude of the country.

Debate adjourned.

House adjourned at half-past twelve.

HOUSE OF COMMONS,

Wednesday, March 22, 1843.

Minutes.] New Member Sworn.—Right Hon. Thomas Berry Cusack Smith, for Ripon.

Bills. *Public.*—*Reported.*—Dogs.

Private.—1°. Sutherland Roads; Holbeath and Lochgelly Railway; Burry, etc. Navigation; Saltcoats Harbour; Haddenham Inclosure; Deptford Poor and Improvement; Tay Ferries.

Reported.—Cardigan Market; Lancaster Lunatic Asylum.

3°. and passed:—Staffordshire and Worcestershire Canal; Newcastle and Darlington Junction Railway; Liverpool Gas.

Petitions Presented. By Sir H. Fleetwood, Messrs. Ewart, Brotherton, and G. W. Wood, and Dr. Bowring, from Preston, Prescott, Higham, Billington, Burnley, Levens, Helsington, Casterton, Barbon, Middleton, Preston Richard, Farleton, Huttonroof, Hincaster, Underbarrow and Bradleyfield, Nethergraveship, Killington, Lambrigg, Docker, Hawkshead, Natland, Old Hutton, New Hutton, Scalthwaite Higg, Crook, Claife, Bowness, Undermillbeck, and Greyregg, for the Total and Immediate Repeal of the Corn and Provision Laws.—By Lord Duncan, from Bath, against portions of the American Treaty.—By Mr. R. Trevor, from Llandovery, for Amend. of Bankruptcy Act.—By Sir R. Inglis, from Oxford, Axbridge, and Dunster, for Church Extension, and from Bath, against the Abolition of Church Rates.—By Mr. S. Wortley, from Tower Hamlets, and some London Parishes, in favour of the Health of Towns Bill.—By Mr. G. Knight, from Lambeth, for Redemption of the Tolls on the Bridges in the Metropolis.—By Sir. W. Clay, from Hackney, against the Education Clauses in the Factory Bill.—By the Chancellor of the Exchequer, from Lewes, for Amending the Parochial Assessment Act.—By Mr. Christopher, from Gainsburgh, against the Ecclesiastical Courts Bill.—From Aylesbury, in favour of the Dogs Bill.—From Ennis, Lower Creggan, and Innoshannon, against the Irish Poor-law.—From Samuel Gordon, for holding the next Session of Parliament in Dublin.—From Tenterden, Berks, Godstone, North Droxford, and Rochester, against Union of Sees of Bangor and St. Asaph.

Frauds in the Customs—Smuggling.] Mr. *Divett* said that reports were prevalent respecting the discovery of extensive frauds in the Customs. Silks and other goods to a large amount, it was said, had been smuggled, and it was added that the guilty parties had been allowed to compromise. He had little doubt that the current statements were exaggerated, but a strong impression upon the subject prevailed, and the injury and discouragement to the fair trader by such transactions were obvious. Seeing the Chancellor of the Exchequer in his place he wished, therefore, to put to him two questions—First, whether, in point of fact, any such compromise had been made? Second, if they had been made, whether there would be any objection, with a view to the protection of the fair trader, to make the public acquainted with the names of the parties against whom informations had been laid, when those informations had ended in conviction and compromise? He believed that such had been the course in the Excise department, and he saw no reason why the rule should not be extended to the Customs.

The *Chancellor of the Exchequer* replied, that as the hon. Member had been good enough to give him notice of his intended questions, he had made immediate inquiry at the Custom-house on the subject. He found that the Board of Customs had entered into no compromises as to the recent seizures of silks, or any other seizures, and that they would not enter into any such compromises. As to the publication of the names of convicted parties, he saw no objection to it, excepting during the pendency of proceedings; the hon. Member would be aware that until the parties were convicted such publication would be disadvantageous.

Mr. *Divett* added that he had met a gentleman extensively engaged in the silk trade, who had informed him that it was a regular thing on going into a French silk warehouse to be asked whether the goods should be sent through the Customs or "under the moon;" if "under the moon," ten per cent. more was charged.

Subject at an end.

Dogs Employed in Drawing.] Mr. *East* moved the further consideration of the report on the Dogs Bill.

Mr. *D. Barclay* objected to the measure as partial in its operation and most oppressive to the poor, and moved that the report be further considered on that day six months.

Mr. *Ewart* believed that all bills affecting trade should originate in a committee of the whole House. As that necessary rule had not been complied with in the present case, he suggested that the bill could not proceed.

The *Speaker* said that this measure was not one of that nature contemplated by the rule which required bills affecting trade to be founded upon a resolution in committee of the whole House.

Lord *A. Lennox* opposed the amendment and stated that it was by no means an unfrequent occurrence for dogs to be driven forty or fifty miles a day, in the county of Sussex. The noble Lord referred to the evidence of Mr. Sewell, given before a committee of the House in 1838, to show that the hard working of dogs led to hydrophobia.

Mr. *Hume* opposed the motion and supported the amendment. The decision of a committee on the subject of cruelty to animals had reference to the use of dogs in crowded streets. There was an act against cruelty to animals, and dogs were included in that act. Was it because here and there two or three persons might abuse the trust which was reposed in them, with respect to these brute animals, that therefore it was necessary to legislate for the protection of dogs? He recollected that since he had been in Parliament a bill was brought in to abolish the use of pewter pots, because so many of them had been stolen; why, the Legislature might as well have passed an act to abolish the use of silver plate; and it was on that ground that the bill was thrown out. Now he was as anxious as any man could be to prevent the exercise of cruelty to animals; but, at the same time, he wished to protect the interests of those whose very livelihood might depend on the labour of dogs. Look at the use of dogs in Kamschatka. The hon. Member for Oldham, he was sorry to observe, was not then present; but he had on a former occasion stated the fact that whole troops of dogs were engaged or employed in smuggling goods between the frontiers of Belgium and France. He had received a letter from a gentleman who had heard that it was in contemplation to put down the use of dogs as beasts of burthen or draught; and on the subject of cruelty to animals, this party referred to a case of the then Duke of Richmond's hounds following a stag with its leg broken for one hour and a half. Now, if the Legislature would bring in a bill to prevent men from being yoked together to draw carts, he should say that something good might be done, and he would gladly second such a motion, and in such case the hon. Member might carry out the law against cruelty to animals. He hoped the House would not allow this measure to go on, or that at least they would defer its further progress till after Easter.

Sir *R. Inglis* did not think that any argument had been adduced sufficiently strong to induce the House to adopt the amendment proposed by the hon. Member for Sunderland (Mr. Barclay). He begged to tender his best thanks to the noble Lord the Member for Chichester (Lord Arthur Lennox) for the part he had taken in reference to this bill. The objection to the use of dogs drawing burthens in the crowded streets of the metropolis was equally applicable to narrow and crowded streets of country towns.

Sir *G. Staunton* trusted, that the bill would pass without alteration. The statement of the noble Lord relative to the employment of dogs in Sussex was perfectly accurate, and as the House had already sanctioned the principle of the measure, he hoped it would pass.

The House divided on the question that the word "now" stand part of the question. Ayes 100; Noes 54:—Majority 46.

List of the AYES.

Acland, Sir T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderly, C. B.
Antrobus, E.
Arkwright, G.
Ashley, Lord
Astell, W.
Baring, rt. hon. F. T.
Barnard, E. G.
Borthwick, P.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Buckley, E.
Butler, hon. Col.
Byng, G.
Byng, rt. hon. G. S.
Cardwell, E.
Chelsea, Visct.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Cripps, W.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Duncombe, T.
Duncombe, hon. O.
Egerton, W. T.
Emlyn, Visct.
Estcourt, T. G. B.
Feilden, W.
Fielden, J.
Ferrand, W. B.
Fitzroy, hon. H.
Flower, Sir J.
Fremantle, Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Greene, T.
Grimston, Visct.
Hamilton, W. J.
Hardy, J.
Hindley, C.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Houldsworth, T.
Howard, Lord
Hughes, W. B.
Humphery, Ald.

Hussey, T.
Inglis, Sir R. H.
Lambton, H.
Law, hon. C. E.
Legh, G. C.
Mackinnon, W. A.
Mahon, Visct.
Mainwaring, T.
Marjoribanks, S.
Miles, P. W. S.
Morgan, O.
Mundy, E. M.
Neeld, J.
Nicholl, rt. hon. J.
Ogle, S. C. H.
Paget, Col.
Palmer, R.
Peel, J.
Plumridge, Capt.
Powell, Col.
Praed, W. T.
Protheroe, E.
Pusey, P.
Repton, G. W. J.
Rice, E. R.
Round, C. G.
Rushbrooke, Col.
Shirley, E. P.
Smith, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, E.
Stuart, Lord J.
Thornhill, G.
Tollemache, J.
Trollope, Sir J.
Trotter, J.
Wodehouse, E.
Wood, B.
Wood, G. W.
Worsley, Lord
Wyndham, Col. C.

TELLERS.
Lennox, Lord A.
Staunton, Sir G.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Arbuthnott, hon. H.
Bailey, J. Jun.
Baring, H. B.
Bernal, R.
Brownrigg, J. S.
Buller, C.
Clay, Sir W.
Cochrane, A.
Colebrooke, Sir T. E.
Dawson, hon. T. V.
Denison, W. J.
Dennistoun, J.
Disraeli, B.
Divett, E.
Duncan, Visct.
Duncan, G.
Elphinstone, H.
Ewart, W.
Gibson, T. M.
Gore, hon. R.
Grey, rt. hon. Sir G.
Hallyburton, Lord J. F. G.
Hastie, A.
Hawes, B.
Henley, J. W.
Herbert, hon. S.
Hutt, W.
Ker, D. S.
Knatchbull, rt. hn. Sir E.
Labouchere, rt. hn. H.
Mangles, R. D.
Mildmay, H. St. J.
Mitchell, T. A.
Muntz, G. F.
O'Brien, A. S.
Ord, W.
Pakington, J. S.
Pulsford, R.
Ross, D. R.
Russell, Lord J.
Scott, R.
Smythe, hon. G.
Stansfield, W. R. C.
Tancred, H. W.
Thornely, T.
Vane, Lord H.
Wall, C. B.
Walsh, Sir J. B.
Walter, J.
Wawn, J. T.
Wood, C.
Wrightson, W. B.

TELLERS.
Hume, J.
Barclay, D.

Report received and agreed to.

On the motion that the bill be read a third time on the following day.

Mr. *Hume* moved as an amendment that the bill be read a third time on April 24th.

The House again divided on the question that the words "to-morrow" stand part of the question. Ayes 97; Noes 46:—Majority 51.

[We publish the List on the first division only.]

TREATY OF WASHINGTON—ADJOURNED DEBATE.] Sir *Charles Napier* had listened with great attention and pleasure to the very lengthened speech of the noble Lord who brought forward the motion, as well as to the speech of the right hon. Gentleman opposite, which was not very short, though he was one of those who thought that if hon. Gentlemen would make shorter speeches they would make more impression on the House, whilst the fatigue of hon. Gentlemen would be a great deal less. Considering, however, that the noble Lord had to go over sixty years of negotiation and diplomacy, he did not think that he could have condensed his speech more than he did. The right hon. Baronet had got up to answer that speech with considerable warmth, and with an excited manner; and he (Sir C. Napier) thought it often happened that when the right hon. Baronet failed in argument, he endeavoured to fetter their judgment by the power of his eloquence, and also by the strength of his action. He confessed that he always admired the right hon. Baronet, but towards the end of his speeches his audience seemed considerably bewildered, so eloquent was the right hon. Baronet's language, and so expressive was his manner. Last night, a mist, something like a dream, had come over his eyes during the right hon. Baronet's speech, which had almost the effect of mesmerism, and obliged him to retire from the House, so as to prevent his hearing the speech of the right hon. Gentleman the Member for Edinburgh, in every word of which he agreed [*laughter.*] He ought to have said that he had read it this morning. The part of the right hon. Gentleman's speech which had particularly struck him was that containing his observations as to the right of visit. He confessed that when he had taken up the article in the Ashburton treaty, relative to the right of search, he had thought that it was totally and entirely given up. He would read to the House the eighth article of that treaty.

"Article VIII.—The parties mutually stipulate, that each shall prepare, equip, and maintain in service on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the slave-trade; the said squadrons to be independent of each other, but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such orders to be communicated by each Government to the other respectively."

He really did think that most Gentlemen reading that article would be impressed with the notion that the right of visit was given up, or compromised, by the right hon. Baronet. But the right hon. Baronet had taken a very different view of that article from the American President, and Mr. Webster. He could fancy perfectly well the conversation which took place between Lord Ashburton and Mr. Webster as to that article, for it was arranged by conversation, there was no writing passed on the subject. He could easily conceive that Lord Ashburton told Mr. Webster that he must insist on the right of search, and that Mr. Webster replied to the noble Lord, " America can never concede the right, but we will send a certain number of vessels to the coast of Guinea; you shall board all the vessels of other states, and we will board those hoisting the American flag." The agreement was, that the Americans should send eighty guns to the coast of Africa. Did ever man see such an article in a treaty before, either here or anywhere else? If the article had specified the number of ships, it might have done; but it only said that they were to keep eighty guns; it did not say what the size of the eighty was to be. Twenty swivels might be mounted on a small schooner, and then four schooners of twenty swivels each would comply with the treaty. The construction of that article had already led to a difference of opinion between the American President and the right hon. Baronet. Whether the opinion of Lord Ashburton agreed with that of Mr. Webster he did not know, but he was glad that the right hon. Baronet had disclaimed such a construction altogether. In referring to the letters between Mr. Webster and Lord Ashburton he would only read one extract relative to the right of visit in the event of a war. Mr. Webster entered into a long argument against the abuses of the right and he (Sir C. Napier) did not deny that there was great justice in much that he said. Mr. Webster said,

" The American government then is prepared to say that the practice of impressing seamen from American vessels cannot hereafter be allowed to take place. That practice is founded on principles which it does not recognize, and is invariably attended by consequences so unjust, so injurious, and of such formidable magnitude as cannot be submitted to."

What did that amount to but simply this, that if we should be unfortunately engaged in a war with France or with any other country—if British seamen should desert and go to American ships, British officers would not be permitted to go and take them out. He thought that Lord Ashburton ought, and that the Government should have instructed him, to put forward our claim intelligibly. He feared that the moment we were engaged in a war the first thing America would do, if we pressed our own seamen, would be to declare war against this country. The right hon. Baronet had taunted his noble Friend with having been ten years a member of the administration, without having settled this question. The House knew well that such questions as these were not easily settled; but he thought when the right hon. Baronet taunted his noble Friend with having left the matter unsettled, he should have gone a little further back, and should have gone as far as the treaty of Ghent. At that time we were in possession of a great part of this land; we had power to settle this question, and we need not have left it unsettled for forty or fifty years. The right hon. Baronet also taunted his noble Friend, that after the reference to the King of Holland he had remained undecided whether he would accept or withdraw from the award. Now, what did that prove? It only proved that the noble Lord was willing to do everything he possibly could, with honour, to obtain peace with America, by the award given by the King of Holland. Now he would observe, that it was a very difficult thing for negotiators to accept awards given by a foreign power, whom they conceived to be the arbitrators between them, and after that refuse to abide by the treaty. One was perfectly honourable, and the other was perfectly dishonourable, and that was the name he would give to this treaty. He would now come to the boundary treaty at once. It appeared to him that the noble Lord signed that treaty, not knowing the man with whom he was acting. He quite forgot that Mr. Webster was what the Americans called a "smart man." In almost the first communication from Mr. Webster, it was pretty plainly stated what the Americans wanted. The noble Lord seemed to think that, as it was known that he had a great love and affection to America, and that as he had distinguished himself as an opponent of the last war with that country, and as he also objected to all the trash, as he termed it, of negotiation, that he should be able to induce the Americans to come forward, and treat him with the same kindness and candour which he was prepared to show to them. He would be the last person to find fault with Lord Ashburton coming to the point; but when he came to the point, he would have wished to have seen him stick to it. Now Lord Ashburton, it appeared, in his first communication to Mr. Webster, stated:—

> "The territory, in controvery is, for that portion of it at least which is likely to come to Great Britain by any amicable settlement, as worthless for any purposes of habitation or cultivation as probably any tract of equal size on the habitable globe; and if it were not for the obvious circumstance of its connecting the British North American provinces, I believe I might venture to say that, whatever might have been the merit of our case, we should long since have given up the controversy, and willingly have made the sacrifice to the wishes of a country with which it is so much our interest, as it is our desire, to maintain the most perfect harmony and good will."

In the subsequent communication—

> "In considering on the map a division of the territory in question, this remarkable circumstance must be kept in mind, that a division of acres by their number would be a very unequal division of their value. The southern portion of this territory, the valley of the Aroostook, is represented to be one of the most beautiful and most fertile tracts of land in this part of the continent, capable of the highest state of cultivation, and covered with fine timber, while the northern portion, with the exception of that small part comprised within the Madawaska settlement, is of the miserable description I have stated. It would be no exaggeration to say that one acre on the Aroostook would be of much more value than ten acres north of the St. John. There would be, therefore, no equality in making a division of acre for acre."

Again, in the same letter, he stated that it was impossible to give up the Madawaska settlement:

> "The inhabitants have professed great apprehensions of being surrendered by Great Britain, and have lately sent an earnest petition to the Queen, deprecating that being done. Further, this settlement forms one united community, all connected together and living some on one and some on the other side of the river, which forms a sort of high road between them. It seems self-evident that no more inconvenient line of boundary could well be drawn, than one which divides in two an existing municipality; inconvenient as well to the inhabitants themselves, as to the authorities under which they are to live. There would be evident hardship, I might say cruelty, in separating this now happy and contented village, to say nothing of the bickerings and probable collisions likely to arise from taking in this spot the precise line of the river, which would, under other circumstances, satisfy us. Indeed, I should consider that such a separation of these industrious settlers, by placing them under separate laws and governments, a most harsh proceeding, and that we should thereby abandon the great object we should have in view of the happiness and convenience of the people, and the fixing a boundary the least likely to occasion further strife."

Here, then, the noble Lord had clearly and distinctly declared that in no way could he be induced to abandon this settlement; but he said that he could give up the navigation of the St. John, and also yield up the position at Rouse's Point. Now, what was the answer Mr. Webster made to this: he said that it was perfectly inadmissible to allow Great Britain to retain the Madawaska settlement, and he also said that the river St. John was a most excellent boundary, and that therefore the portion of the Madawaska settlement to the south of the river must belong to the United States. He said,—

> "The experience of the world, and our own experience, shows the propriety of making rivers boundaries whenever their courses suit the general objects."

He maintained, when it suited his purpose, that they should take the line of the river St. John, and that it was excellent as far as the mouth of the Madawaska river; but then that it was not sufficient. Mr. Webster said this for some time, but when he found the river turned at right angles to the south, he declared that it would be highly improper any longer to follow this line, and proposed to run a line of boundary up to Long Lake, which would include a territory the United States wished to get possession of. Mr. Webster said,—

"The next question is, how far upward

this boundary ought to be observed, and along which of its branches. This question would be easily settled, if what may be called the main branch of the river in this part of it, differing from the general character of the rivers in this region of country, did not make a sudden turn. But if we consider the main branch of the St. John's that which has been recently usually so denominated, your Lordship observes that near the mouth of the Madawaska it turns almost at right angles, and pushes its sources towards those of the Penobscot. Contiguity and compactness of territory can hardly be preserved by following a stream which makes, not occasional windings, but at once so great a deflection from its previous course. The Madawaska is one of its branches or principal sources, and, as the map shows, is very much a continuance of the line of the principal river from the Great Falls upwards. The natural course would, therefore, seem to be to continue along this branch."

Was it not extraordinary, that Mr. Webster should for a certain purpose find the line of the river St. John an excellent boundary, but as soon as it appeared that the line of that river would trench on the American territory, he refused to deal with a right angle turn in the river to the south, but when there appeared a right angle turn to the north, he wished to adhere to it. It was quite true, that in this letter to Lord Ashburton, he did not exactly insist on this point; but he proposed that a line of boundary should begin in the line of the St. John's, where that river is intersected by a due north line extended from the source of the St. Croix, thence proceeding westerly, by the middle of the main channel of that river, to a point three miles westerly of the mouth of the Madawaska, thence by a straight line to the outlet of Long Lake. For the credit of Lord Ashburton, he was bound to state that his Lordship had, on that occasion, shown himself equally firm with Mr. Webster, and had told him decidedly that such a line was inadmissible. He wished his Lordship had shown himself equally as capable in argument with Mr. Webster. Lord Ashburton said, You object to the river boundary when it trends to the south of the river St. John, but you wish to take possession of a settlement to the north of the river. Now I wish he had been equally as firm with respect to the Madawaska settlement and Rouse's Point. Mr. Webster did not directly state that he should persist in insisting on the Madawaska and the line of the St. Francis, but he sent Lord Ashburton some long resolutions from the commissioners of Maine, in which they intimate that if Great Britain was not willing to give up the Madawaska settlement, it would be better to give up the negotiation at once, and the sooner Lord Ashburton packed up his traps and started for England the better. Immediately on receiving this communication, Lord Ashburton should have said in reply to this, We will go to the St. John's, and remain there, and you may drive us out by force if you can. The noble Lord should have directed that the English flag should be hoisted, and if he had done so, and had shown a disposition to retain possession of the territory, America would not have dared to have gone to war, for she had neither navy, nor army, nor money, nor credit; and, with our large steam force, nothing could have been easier than to have sent 5,000 men there in a few days, and to have kept them there until we got a settlement from the Americans. This was the proper mode of dealing with those men who demanded everything from us, and refused to give anything. He now came to the slip of land called Rouse's Point, which Lord Ashburton had offered to give up on condition of our being allowed to retain the Madawaska settlement, but which he gave up without being able to retain the Madawaska settlement which he ought not to have abandoned. The gallant Member for Liverpool last night gave a description of the mode in which he carried on the government of New Brunswick, and no doubt in every situation in which he had been placed the gallant Officer acted in a manner that was honourable to himself and creditable to the country; he could not, however, agree with the gallant Member in the manner in which he dealt with Rouse's Point. This place was situated at the mouth of Lake Champlain; and if it was not already a strong point it could easily be made very strong. The hon. and gallant Member said that it was an offensive and not a defensive point, and therefore it was of little use, and could be abandoned without any great sacrifice on our parts. Good God! if this was to be the case, and such an argument was to be acted upon, this country might as well give up Gibraltar, which was certainly an offensive point. He could show the gallant General that American officers entertained a very different opinion from him as to the value of this point. As a proof of this he would refer the gallant Member to the report drawn up by an American officer, and laid before Congress, on the national defences and national boundaries. He stated :—

"A work here (now the boundary line), on Lake Champlain, may be made to command the pass of the lake, and is considered by far the most important of any proposed on the whole line of frontier. The position of Lake Champlain is somewhat peculiar; while Ontario, Erie, Huron, and Superior, stretch their whole length along the frontier (forming in fact, the boundary), Champlain extends deeply into our territory, and while its southern extremity reaches almost to the Hudson, it finds its outlet to the north in the St. Lawrence, nearly midway between Montreal and Quebec, the two great objects of attack. This is undoubtedly the course by which the British possessions can be most effectually assailed; while at the same time it would afford to the enemy, possessing a naval superiority, equal facilities for bringing the war within our own borders, if it be left unfortified. It therefore becomes necessary to fortify a point, as near the line as possible, to shut out the enemy's vessels, and thus effect the double object of protecting the interior shores of the lake from the predatory attacks to which they would be otherwise exposed, and of securing it to ourselves, as a channel by which our troops and supplies may be rapidly thrown forward to the points of attack and defence."

It appeared, then, that we had conceded to America Rouse's Point, which their ministers told us was the point, of all others, from which it would be most easy for Great Britain to attack the American settlements. By doing so, you had also taken from them the necessity of fortifying the opposite points, and thus you made a surrender in this matter of the utmost importance to them, without obtaining the slightest equivalent. With regard to the Madawaska settlement, he had forgotten to refer (as he had intended) to a letter of Lord Sydenham to Mr. Fox which would show the importance which that noble Lord attached to it. That noble Lord said :—

"Mr. Webster's proposal goes not merely to the retention by the United States of the block-house at the mouth of the Fish river, and the establishment there of a military force in the place of the civil possee at present in occupation of that post, but to confine the occupation of the territory in dispute by her Majesty's forces to the north bank of the St. John's, thereby virtually excluding them from affording protection, if required, to her Majesty's subjects on the south bank of that river, on which, as you have justly stated, a large population is extended, whose claims for such protection could not be overlooked or neglected. Such a proposition I consider wholly inadmissible. The Madawaska settlement, as you are aware, extends along both banks of the river; and it would be impossible to refuse to her Majesty's subjects, whether resident on the one or the other bank, that protection to which they are justly entitled, or to abandon that jurisdiction which has been uninterruptedly exercised ever since Canada became part of the British empire."

In a letter also of Mr. Fox, our Minister at Washington, to Mr. Webster, he found it stated that,

"With regard to the suggestion of adopting the channel of the river St. John as a temporary boundary between the two parties, I must at once state, that her Majesty's authorities can, under no circumstances, consent to relinquish the exercise of British jurisdiction through the Madawaska settlements, which extend along the south bank as well as along the north bank of the St. John's; and that the right will be reserved of provisionally stationing a force of British troops in any part of those settlements, either south or north of the St. John's, where it may be found necessary for the due protection of the inhabitants."

Now he would venture to say, that if the noble Lord who brought forward the present motion, had been at the head of the Foreign-office, he would sooner have cut off his right arm than have allowed America to take possession of this settlement. It was perfectly evident that the Americans had demanded the frontier which had been given them for no other purpose than that it might serve them as a point of support and a means of aggression, if they should ever go to war with England. He had no hesitation in saying that the man who could thus yield up the just claim of Great Britain, could neither be a wise minister nor a bold negotiator. It was asserted by Lord Ashburton, and admitted by Mr. Webster, that the lands on the boundary of the river St. John were good for nothing, and incapable of maintaining a population. If this were the case, what made the Americans so extremely anxious to obtain possession of this territory, unless it might serve them as a point from which to make an attack in case of their being engaged in a war with England? He was satisfied that every man who looked impartially at this treaty, must admit that it was a most unwise and impolitic measure. He could understand the feeling of the right hon. Baronet at the head of the Government at the time he accepted office, who, finding, as he did, the country engaged in a war with China, and having received the accounts of the disasters in Affghanistan, was naturally anxious to settle all differences with America with as little delay as possible; and knowing, as he did, Lord Ashburton's intimate connection with the United States, he selected him as the individual most likely to adjust these differences. It would appear that the noble Lord was sent out with the determination to settle the question at issue, no matter how disadvantageous the settlement might be to Great Britain. With regard to the disasters in Affghanistan, he had no hesitation in saying, that if the gallant Sale, or Pollock, or Nott, had commanded at Cabul when the disturbances broke out, that no disaster would have occurred; he, therefore, did not think that it was very fair or proper for the right hon. Gentleman to allude to what took place at the opposite side of the world, as a justification of the sacrifices which were made in this treaty. He would only add, that if the noble Lord went to a division he would vote with the noble Lord.

Mr. *Disraeli* said, that he was not surprised, although the hon. and gallant Commodore had found fault with the length of the two speeches which were delivered at the commencement of the debate, that he should, nevertheless, have said one word in favour of that which had emanated from the noble Lord; for it happened, that he (Mr. Disraeli) had that day met two spirited horses, which, he believed, had run over an old woman, and, upon inquiry, was informed, that they belonged to Commodore Napier, who was paying a visit to Lord Palmerston, and who appeared to have been crammed for the delivery of what he called a condensed speech. To that speech of the noble Lord he had listened with uninterrupted attention, and unbroken admiration. He did not consider that speech to have been too long. It was distinguished by that knowledge of his subject which always characterised the addresses of the noble Lord, when he dwelt upon any topic connected with the office over which he had presided. It exhibited one of the most complicated questions that had ever perhaps been introduced in a popular assembly in a manner the most luminous he had ever listened to. It was, without doubt, a great Parliamentary exhibition, he might add, one of the most able he could well recall. He would say unquestionably so, but for one circumstance. All that it required to make it a memorable display in the history of our Parliament was, that the noble Lord should never himself have been a diplomatic actor in the lengthened diplomacy he had criticised. Had the noble Lord never had anything to do with those circumstances which he had yesterday explained to them so perspicuously, his speech would have been complete. The noble Lord had called their attention to a treaty which had settled a question that had been longer in agitation than probably any other in our diplomatic annals; and the noble Lord objected to that treaty because it embodied terms which were, in point of fact, more favourable than those which the noble Lord himself was some years ago prepared and anxious to accept under the award of the King of the Netherlands. That was a point which the noble Lord had not denied. [Lord *J. Russell*: No.] The noble Lord said "No." But would that noble Lord deny that the treaty of Washington gave us a greater amount of territory, a better barrier, and a more efficient boundary, than the award of that Sovereign arbitrator which had been repudiated by the United States, and which the noble Lord (Lord Palmerston) was so long and anxious a solicitor to the United States to accept? The noble Lord could not deny that. He meant, no doubt, to say, as the noble Lord, the Member for Tiverton, had said yesterday that circumstances were changed; that that award had been refused by the United States; and that since we had withdrawn our adhesion to it, fresh information had been obtained. That was the position which the noble Lord and his Colleagues adopted, and to which he would presently address himself. He would first express his own deep regret that the award of the King of Holland had not been accepted. He would himself have preferred that that award should have been accepted in 1831, than that we should now, in 1843, enjoy the advantages of the treaty of Washington; because, by the settlement of the King of Holland, we should have avoided the insurrection in Canada. We might not, perhaps, have had a boundary so efficient, or a territory so extensive; but let the

House consider, whether they looked to political influence, or to the amount of expenditure which had been incurred, that the consequence of the settlement of 1831, would have been to prevent the insurrection in Canada. Let him remind the House, before it agreed to the motion of the noble Lord, what were really the terms, divesting them of all diplomatic mystification, which had been gained for this country by Lord Ashburton, in the treaty of Washington; let him remind the House what those terms were, simply, truly, and clearly. Lord Ashburton had relinquished one strip of land, which was a border near the counties of Vermont and New Hampshire, and had also given up an angle of land which was formed by the sources of the Connecticut river. These were the two portions of territory which the noble Lord had consented to abandon, but we received an equivalent for that portion our title to which had not been disputed. For the strip of land we abandoned near Vermont, we received a strip of land contiguous to New Brunswick. While for the surrender of the angle of land formed by the sources of the Connecticut, Lord Ashburton obtained the concession of a district of territory, which afforded an important military frontier. As regarded extent of territory—and the arrangement was confined to these points — we had renounced about 100,000 acres, and we had received in return nearly 1,000,000 acres, which, as he had observed, embraced a most important military frontier. We had received such a settlement of boundary line as regarded Quebec, that at no point was the boundary of Maine nearer to Quebec than the nearest point of the undisputed frontier of the United States. So far as he had stated, and he had done so accurately, the advantages were clearly on the side of England. "But," said the noble Lord, "you have given up the free navigation of the St. John's." supposing we had, he still maintained that relinquishing 100,000 acres, and obtaining 1,000,000, including a most important military frontier, gave us the best of the arrangement, or at least proved that the arrangement had been adjusted with a due consideration to the claims of either party. But nothing could be more erroneous than the statement which had been made, in the House and out of it, about the free navigation of the St. John's, as if we had renounced some important rights, as if we had sustained some great and unheard-of loss, and extended to America some great and important advantage. If hon. Members would look to the treaty itself, that delusion would soon vanish. That river was fixed upon as the boundary between the two countries; and he was sure the House would admit, that the navigation of that river, washing the shores of the two countries, should be open to those two countries. The article in the treaty of Washington gave no greater advantages to the United States than to us; but when the navigation of America, under that treaty, entered into that part of the country which was our own on both sides of the St. John, then the navigation of America was subject to the laws of England. We had, in fact, only by the 7th article of the treaty, opened the navigation of the St. John, to the inhabitants of both countries through which it flowed; we had only acted on a principle which the abstract law of nations laid down, and which he was certain every treaty for the last 150 years regulating the boundaries of rivers had recognised over and over again. But supposing we had extended to the Americans the navigation of the St. John's, and that that was a great advantage to them — would the House omit to observe, that in the seventh article of the treaty of Washington America had extended to England an equivalent advantage in granting to us the free navigation of the St. Lawrence. Under the treaty of Ghent certain diplomatic arrangements were made as to the navigation of the St. Lawrence. It appeared, however, that there were separate channels in the river St. Lawrence, on both sides the Long Sault islands, and Bouchart Island, the channels in the river Detroit, on both sides of the island Bois Blanc, and between that island and both the Canadian and American shores. The navigation of the river St. Lawrence, then, might be taken as being divided at this spot into two channels, one of which was broad and shallow and almost dry, and, therefore, often unnavigable in the summer; this was the Canadian channel. The American channel was much narrower, but was of considerable depth, and was always open. This division of the navigation of the river between the two countries at this place, was made by one of the articles of the treaty of Ghent, and ever since that time, if the channel on one side of the river was shallow, our vessels could not pass through the American channel without asking permission. He contended, therefore, that, by opening the navigation of this important river to both nations, we had gained more than an equivalent to any sacrifice that could be made by opening the navigation of the river St. John. So far, therefore, as the treaty was concerned, we had obtained the navigation of a river for the navigation of a river. But the noble Lord had dwelt upon two other subjects on which he said the honour of the country had been trifled with. The first of these was the cession of Rouse's-point, on which the gallant Commodore had also dwelt with great confidence. It was not for him to contest the value of military positions with the hon. and gallant commodore, but he would place before the House simple facts, the inferences to be drawn from which were, in his mind, so irresistible that he felt disposed to leave the question to the impartial consideration of the House, convinced that no opinion of any military man could mystify the decision to which they ought to come. Lake Champlain was an American lake, the upper part of which ended in a river. Rouse's point was a fortification about two miles from this river, and could command the lake only in its vicinity. Where Lake Champlain emptied itself into this river, or rather, farther up, were two forts which commanded the lake, one of them being situated in the middle of an island called Isle aux Noix. Rouse's-point did not command the lake. [Sir *Charles Napier* : "The entrance to the lake."] That was what he denied. Rouse's-point was two miles from the entrance. The entrance to the lake was commanded by these two strong forts—one from the middle of an island, and the other contiguous. But the fort of Rouse's-point was really not a fort of consequence; America had neglected it; it was at present in ruins; he believed it never would be rebuilt, or if it were to be rebuilt, he was sure the Americans would choose a more important position. But it could not hold for a moment in comparison with our fortifications in the river. He knew that the noble Lord would reply to this view of the settlement of the boundary, by assuming that the disputed territory was one to which we had a clear right and title. Now he denied the right of that assumption. The great fallacy of the case of the noble Lord and the school which he represented was, the clear assumption from the origin that there was no question that England was entitled to all the disputed territory. The making assertions of this kind was a very common affair; but mere assertions of this kind would not satisfy foreign nations. The fact was, that this was the whole point at issue, and the noble Lord had never succeeded in proving to any impartial persons that England alone had a just claim to this territory. The noble Lord had said a great deal about the reports of Messrs. Mudge and Featherstonhaugh; but it appeared from documents on the Table, that soon after he had received these reports, which he alleged last night were conclusive as to the justice of our claim, that he wrote to the United States, and strongly urged a renewal of negotiation to settle the question. They had heard the case respecting the original title to the disputed territory discussed so often that one was unwilling to dwell upon it, and if he alluded to it, it was only because he thought he might offer some considerations to the House which might have the effect of influencing their minds upon the subject. Which of the two countries was really entitled to the disputed territory was not a matter of mere political curiosity. Peace was maintained between countries not merely by treaties, but by the Governments and countries between which those treaties were entered into having a general and profound conviction that they were fair and equitable agreements. If it rankled in the minds of the people that this treaty of Washington was an inconvenient settlement, or that it had been made with a great sacrifice on either side great public mischief might be the result. He would not, therefore, venture to express an opinion, which under our circumstances was now unnecessary, as to which country had the best title to the disputed territory; but he would offer one fact to the House, which he thought would cause them to pause before they so boldly and so decidedly, and so uncompromisingly as of late was the fashion in journals and in Parliament, come to a decision on the subject. He believed that a very general opinion prevailed in favour of the Washington treaty, as an advantageous settlement of a great and difficult question; but he believed that the opinion was equally general, that we had a right to the disputed territory, and could afford to be generous of our right. Now, he questioned whether that right was not of a very doubtful character; and he should offer but one fact to the House never before introduced to its notice, which he thought might have the effect of producing on their minds not a dissimilar impression. They had all heard of a map with a broad red line; which map, making out the boundary according to the original claim of the English Government, was discovered apparently in the archives of the Foreign-office in Paris, subsequent to the settlement of the question, and had been talked of and written of by many who had never seen it. He, however, perhaps, was in a position to speak of it with more authority, than some Members of the House, for he had seen it. It was a map eighteen inches square, and was drawn by D'Anville. He believed, that it was one of the smallest maps that D'Anville had ever drawn. It was not, by the bye, a map of the disputed territory, nor a map of Canada, but a map of the whole of North America; and, consequently, this broad red line— [Lord *John Russell:* Strong.] Well, this strong red line would itself occupy no slight part of the disputed territory. In fact it blotted out no inconsiderable portion of the State of Main, which could occupy but a very small space in a map of North America, eighteen inches square. That was the map by D'Anville, but there was in England another map, which he (Mr. Disraeli) supposed was the map yesterday referred to by the right hon. Baronet at the head of the Government, of far greater dimensions, and which was also marked with a strong red line, giving the limits according to the American claim. That was the map drawn by Mitchell—a map which was recognised as of authority, having been brought from the collection of his late Majesty King George 3rd, who, it was well known, had taken a great personal interest in the affairs of Canada and of North America generally. Now, it might be a question whether any argument at all ought be raised on these marked maps. It was not he who raised it; yet as so much stress had been laid upon these circumstances, he was bound to state that evidence existed, which, if they were forced to decide on such a question, must, in his opinion, force them to a conviction that the map drawn by Mitchell, was the map which guided the American negotiators, and none other. On this point he would trouble the House with an extract, which bore directly upon it, from the private correspondence of Dr. Franklin. There was a letter from Dr. Franklin addressed to Mr. Livingstone, after the settlement of the treaty; he had found it not in the work of Mr. Jared Sparks, but in a book published a quarter of a century ago, by Mr. Temple, the grandson of Dr. Franklin, and which contained all the private and diplomatic correspondence of Dr. Franklin while at Paris. In that letter he writes,

> "I am perfectly clear in the remembrance that the map we used in tracing the boundary was brought to the treaty by the commissioners from England, and that it was the same that was published by Mitchell twenty years ago." . . . . "I remember, too, that in that part of the boundary (Passamaquoddy Bay in Maine) we relied much on the opinion of Mr. Adams, who had been concerned in some former disputes concerning those territories, and that the map we used was Mitchell's map, Congress was acquainted with it at the time by a letter to their Secretary for Foreign Affairs."

He had already stated, that D'Anville's map was so small that no person could form any satisfactory opinion from it, and besides this, there was a total want of all proof to connect this famous Paris map, which was only one out of some thousands, with Dr. Franklin. Now, Dr. Franklin at the time was extremely ill: his illness continued for about two months, and he had not been present at any of the meetings of the negotiators at which the boundaries had been arranged. This circumstance he, in his correspondence, repeatedly referred to, and in one of his letters he congratulated the Congress upon the arrival of Mr. Adams (by whom the boundaries had been settled), who "was so well acquainted with the country." He might also observe, that even if this French map had been addressed to Dr. Franklin, that fact, under the circumstances, proved nothing, for Dr. Franklin was one only of four negotiators, the others being Mr. Adams, Mr. Laurens, and Mr. Jay. Above all, the existence of such a map did not appear in the journals of the commissioners, nor in the report made by them to Congress. Again, nobody seemed to know that the very preliminary articles of peace, drawn up by Dr. Franklin, had been published with his own manuscript notes upon every article of the treaty, and that upon the 4th article there was this note, which at least would show to the House what a mistake it was to suppose (as the right hon. Baronet at the head of the Government, had supposed) that this had been a treaty scrambled up without any knowledge, and under an entire misconception, and that this had arisen from the employment of persons who were ignorant upon the subject, the localities and their details. There never had been a treaty negotiated with more labour, or conducted by men of more ability, than the treaty of 1783, between this country and the United States. Now this was Dr. Franklin's note on the preliminary articles:—

> "The Court of Great Britain insisted on retaining all the territories comprehended within the province of Quebec by the act of Parliament respecting it. They contended that Nova Scotia should extend to the river Kennebec; and they claimed not only all the lands in the western country and on the Mississipi, which were not expressly included in our charters and governments, but also all such lands within them as remained ungranted by the King of Great Britain. It would be endless to enumerate all the discussions and arguments on the subject. We knew this Court (Versailles) and Spain to be against our claims to the western country, and having no reason to think that lines more favourable could ever have been obtained, we finally agreed to those described in this article. Indeed, they appear to leave us little to complain of and not much to desire. Congress will observe, that although our northern line is in a certain part below latitude 45, yet in others it extends above it, divides the Lake Superior, and gives us access to its western and southern waters, from which a line in that latitude would have excluded us."
>
> . . "The map used in the course of our negotiation was Mitchell's."

Now, he should like to know how any person could get up and make a speech, or sit down and write an article for a newspaper, upon the conduct of the American Minister against such irresistible documentary evidence as this — against evidence which went directly to prove that the map used was an English map. This established the fact that D'Anville's map had never been appealed to; if it had it ought to have been in the Foreign-office. There, however, it had not been obtained, but had been got from France, while we had found Mitchell's map in the collection of our Sovereign of that day, who had taken an intense interest in American Affairs, and who, when he got hold of the map marked by Mr. Oswald, added to his collection that map, which was all he had left after the loss of his American provinces. If they were to go by maps, which he was far from maintaining this was irresistible evidence, he (Mr. D'Israeli) contended, in favour of the original claim of the United States. He had mentioned just now that the important matter had not been attended to in a slovenly manner by the Government of the day, and that the right hon. Baronet at the head of the Government, who had laid down that the origin of all the difficulties and misconceptions which had arisen was the employment of persons incompetent for the offices they had been called to fill, had made an observation which was perfectly unwarranted by facts. The Minister of that day was a man inferior to none who had ever guided the destinies of this country—he was a man who, independent of his natural ability, was remarkable for his amount of information—a man who combined within himself qualities which in ministers are rare—a man equally celebrated for his economic knowledge and his extensive acquaintance with external affairs. No man had juster views on commerce than Lord Shelburne; and even when out of office, when information on foreign affairs was required, his successors had been obliged to send to Calne. Lord Shelburne was moreover, peculiarly eminent for his knowledge of America and of American colonies. He had the whole diplomatic body under him, from which to select an instrument for his purpose. The diplomatic body in those days were renowned for their abilities and information, though at a subsequent period, in consequence of the system pursued by Mr. Pitt, we had withdrawn from the world; and a long war had deprived the country of the opportunity of forming public men competent to advance external interests. This was not the case in 1782, 1783. In those years there existed men formed in the school of Lord Chatham—in those years the greatest diplomatists flourished. And what had Lord Shelburne done? He selected for this important affair Mr. Oswald. Now, that appointment had not only at the time been violently attacked, but the treaty Mr. Oswald formed had been vociferously and actively criticised by a powerful Parliamentary party in both Houses. That opposition too had been supported by a great writer who then adorned the Whig party—he meant Lord George Sackville, who had been more than suspected of being the author of *Junius's Letters.* There was besides a certain noble Viscount who then took a great interest in the foreign affairs of the country, in which he had himself once been employed, and who came forward to criticize the treaty which Mr. Oswald had effected. That noble Viscount designated the treaty as worse than a "Saratoga capitulation." So the noble Lord opposite (Lord Palmerston) might perceive that even invective was not always original. But what had Lord Shelburne said, when the noble Viscount to whom he alluded, attacked the appointment of Mr. Oswald and his treaty with all the critical bitterness which a thorough knowledge of the subject by an individual out of office could afford to the ranks of an opposition? What were the reasons which Lord Shelburne gave when the appointment of Mr. Oswald was attacked and his treaty criticized in Parliament? Lord Shelburne said:—

> "A noble Viscount asks why Mr. Oswald was appointed a negotiator against such odds? Because he was fitted for the great work in question by the qualities both of his head and his heart. He was inflexibly upright, had long and liberally been engaged in commerce, and was well versed in the local knowledge of America; no man therefore would deny Mr. Oswald's fitness for his station."

Now, he begged to recommend to the noble Lord who had brought forward the present motion this sentence as worthy of his consideration. He would beg to point out to the noble Lord's attention the qualities which Lord Shelburne thus stated to have recommended Mr. Oswald to the confidence of the Government; and he might thence observe that history was constantly repeating itself, and that the same circumstances will often produce the same situations and even the same characters. Circumstances, too, in one time might render it expedient for the Minister of England to say, "I want a man who is not a mere diplomatist. I want a man who has been long and liberally engaged in commerce, and who is also well versed in a local knowledge of America." Now, he had endeavoured to show to the House, first, that looking to the details of the treaty, which the right hon. Baronet at the head of her Majesty's Government had not done, equivalent had been given for equivalent—that a strip of land had been exchanged for a trip of land, that an angle of land had been given for a great military frontier, and, therefore, according to the noble Lord's (Lord Palmerston) own facts, this country had positively gained an advantage by the treaty effected by Lord Ashburton. He reminded the House that the boundary question had been sixty years under discussion, and might have led to a war but that we had given up strip for strip of land, an angle for a considerable district—100,000 acres for 1,000,000—and also a powerful military frontier. He had shown also that Rouse's point, as a military position, was utterly valueless, and he had given his reasons for so saying. True, it was that the hon. and gallant Commodore opposite (Sir C. Napier) had told the House that Rouse's-point commanded the lake or river, but he (Mr. D'Israeli) had shown that it could not do so, because it was two miles distant from the point where the lake narrowed, and because the river was commanded by two important fortresses, within it, which were now, and he trusted always would be, in the possession of England. As to the sentimental outcry about the settlement of "Muscovado," as the hon. and gallant Commodore had been pleased to pronounce the name — a pronunciation which would make any one imagine that the hon. and gallant Gentleman had mistaken the settlement in question for "the sugar island," of which last night they had heard so much—he entirely agreed with the American Government, that if the river was recognised as a convenient boundary, it was ridiculous to depart from that principle for the moiety of a straggling settlement of fifty miles in extent. He thought that Lord Ashburton, with reference to the surrender of that settlement, might have been influenced by feelings of humanity. Suppose the treaty had not succeeded, and that war had commenced, what would have become of the "Madawaska settlers? They would have been the first victims of the war—plundered and massacred. But it was said that the river ought to have been taken as the boundary throughout. It certainly was not a principle in diplomacy to adopt a river as a frontier in every one of its windings. If the river had been found to be a convenient boundary, let it be taken as far as it would go as such, but if it had windings almost unparalleled in the sinuosities of streams, baffling all arrangements, it ought to be, as it had been, rejected. He thought he had now adverted to every point in the speech of the noble Lord opposite (Lord Palmerston) which had reference to the boundary. He thought he had shown that our title to these lands was not that complete and perfect title it was often represented, and, on the whole, he hoped he had submitted some considerations to the House which might make it hesitate before it accepted the conclusions of the noble Lord. With respect to the conduct of the American Government, he must say, that he did not think that Mr. Webster was called upon to produce the map marked with the strong red line, even if it were the identical one to which the letter of Dr. Franklin referred. But when bitter invectives were uttered against the Americans—when charges of bad faith were brought against American statesmen—he must remind the House that Mr. Webster had in his hands, two months before the arrival of Lord Ashburton, the report of the American commissioners, which was the reverse of the report of the English commissioners; and which would have afforded a complete answer to Lord Ashburton. Mr. Webster did not produce that document, and for this reason, he understood that a special mission had been appointed on condition of compromise and a conventional line, and therefore it would be unwise to produce the old elements of misconception. He said this because he believed that the American people, speaking of them generally, taking no account of isolated instances of intemperate conduct of language, had acted throughout this business with sincerity, and the American statesmen with honour. There was only one other topic upon which he proposed to make any observation. The noble Lord opposite, (Palmerston), after disposing of the boundary, which, of course, was the real object of his motion, had adverted to another subject of the treaty. Great as was ever his admiration of the noble Lord's courage, he must confess he was astonished when the noble Lord last night advanced to the Table and delivered a lecture on the right of search, and that, too, especially addressed to France. That was an event which would astonish those, at least, who lived on the other side of the Channel. And undoubtedly Lord Ashburton had great difficulties to contend with, requiring the exercise of much ability to produce a settlement. But he would tell the noble Lord what was the greatest difficulty of Lord Ashburton; it was that unfortunate treaty of July, which created such an ebullition in France, and which was sympathetically communicated to America; it was that which, he believed, ultimately led to this unsatisfactory settlement with respect to the right of search. It was the conduct of the noble Lord in July 1840—it was the feeling of the French people that they had been insulted by the noble Lord, which had opened a communication in Paris with the American minister, and which had led to that misunderstanding with the two countries which had very nearly ended in our not having the Washington treaty at all, but a war with France and America. And the noble Lord had explained how it was that France had not negotiated the right of search treaty with him, as if his name had never before been coupled with the transaction—as if he himself was not one of the prime causes of the difficulties which Lord Ashburton had experienced! Why, the noble Lord had told them last night, as he told them on every occasion—that he was Minister of this country for ten years, and that he had maintained peace for those ten years, which was extremely wonderful, as once we had been on the point of declaring war against Russia, and once we had been on the point of receiving a declaration of war from France, and, as now was pretty apparent, had once been on the point of having a war with America. Though the noble Lord had avoided having three wars with three great countries, he had contrived, however, to secure three wars with three small ones. In 1840 the noble Lord signed a treaty which had alienated from this country the confidence, and he would say, the affection of a great and generous people. The noble Lord signed that treaty—the treaty of July, to extricate himself from the consequences of his own neglect in having permitted Syria, in 1831, to be invaded. Now, see how one thing led to another in this diplomatic history! That invasion of Syria had led to the occupation of Constantinople by the Russians, to consequent intrigues on the part of the noble Lord in Circassia, to retaliatory intrigues in Affghanistan, to the fatal invasion of that country, and as it had recently been avowed by the noble Lord, to the war in China. That invasion of Syria had produced also the treaty of July, and the war of the Levant. All these events sprung from that single act of the noble Lord, and now, according to the noble Lord, they must add to this catalogue the treaty of Washington. If it were an unsatisfactory treaty—if it were a settlement which had compromised the dignity, which might injure the interests of England, he told them they must look to that bench (the bench occupied by the late Ministers) for the cause of this treaty and this compromise, and there was the individual who yet was responsible for these consequences. But he would imitate the tone of the noble Lord; he would believe that the consequences might be lasting peace—and that not only with America, but with France, there might subsist relations of enduring amity. But equally certain was he, that that great result could not be obtained, if the interests of this country were intrusted to a Minister who had forfeited the friendship of France by one treaty which was unnecessary, and nearly cost us the friendship of America by not negotiating another treaty which was indispensable.

Mr. *Hawes* meant to express an opinion on this question somewhat different from that which had been expressed by Gentlemen sitting on his side of the House. He was quite sure, however, that those with whom he was politically connected would give him credit for saying that he did so with great reluctance, and that nothing but a sense of public duty induced him to say a word on this occasion. He thought the origin of our differences with America was to be traced clearly enough to the attempt on the part of the negotiators to describe a line over a country which had never been explored or surveyed. Under these circumstances a line had been described and a treaty framed which had led to all the discussion and difficulty on this subject. Places and islands had been described in that treaty which did not exist.

An hon. *Member* having observed that there were not forty Members in the House,

The House was counted, and adjourned at a quarter-past seven o'clock.

HOUSE OF LORDS,

Thursday, March 23, 1843.

MINUTES.] BILLS. *Public.*—1ª· Mutiny; Marine Mutiny; Sudbury Disfranchisement.

Reported.—Coroner's Inquests.

Private.—1ª· Staffordshire and Worcestershire Canal; Newcastle and Darlington Railway; Liverpool Gas.

Reported.—Littleton Inclosure; Nottingham Lighting; Cambrian Iron and Spelter Company.

PETITIONS PRESENTED. By the Bishop of Bangor, from Whitchurch, against the Union of the Sees of St. Asaph and Bangor.—By Lord Redesdale, from Sudbury, against the Disfranchisement of that Borough.—From Alexandria, in favour of Non-Intrusion.

HOUSE OF COMMONS,

Thursday, March 23, 1843.

MINUTES.] BILLS. *Public.*—1º· Slave Trade Abolition (Bolivia); Slave Trade Abolition (Uruguay); Slave Trade Suppression (Texas).

Reported.—Indemnity.

3º· and passed:—Consolidated Fund; Coast of Africa.

Private.—1º· Southampton Cemetery; Liverpool Paving and Sewerage; Bristol and Gloucester Railway.

2º· South Eastern and London and Croydon Railway; Manchester Corporation.

3º· and passed:—Oxford Railway.

PETITIONS PRESENTED. From Bunbury, against the Ecclesiastical Courts Bill.

STANDING ORDERS — INCLOSURE BILLS.] Mr. *Stanton* moved, that the standing order, No. 89, be rescinded, and the following substituted in its place:—

"That in every bill for enclosing lands provision be made for reserving a portion of the land to be enclosed to be let in allotments, not exceeding a quarter of an acre each, to the labouring population of the district, and for leaving an open space in the most appropriate situation, sufficient for purposes of exercise and recreation of the neighbouring population; and that the committee on the bill have before them the number of acres proposed to be enclosed, as also of the population in the parishes or places in which the land to be enclosed is situate; and that they then fix the quantity to be reserved; and also do see that provision is made for the efficient fencing and draining of the allotments, for the investment of the same in the lord of the manor, minister, churchwardens, and guardians of the poor, for the time being, of the parish or place in which such allotments and open space are reserved, who shall be empowered to let the allotments so reserved at rents not exceeding the average rate per acre at which the adjoining lands are let; to receive the rents, and to apply the same in aid of the parish rates. That the committee do likewise see that provision be made for the efficient making and permanent maintenance of the fences and drains by such parish; and, that in any case where the information hereby required is not given, and the required provisions are not made in the bill, the committee on the same do report specially to the House the reasons for not complying with such order."

It had been said, that the adoption of his proposal would lead to an unnecessary interference with the rights of property, but he thought this objection was wholly unfounded. The principle for which he contended had already been admitted, by the reservation of land for the exercise and recreation of the poor. He did not wish to interfere with existing rights, but his object was, to give to the labouring population the power of renting small allotments of land when inclosures were made. His views were supported by the opinion of the Labourers' Friend Society, and also by the report of the Childrens' Employment Commissioners, which stated that in several of the rural districts the poor people would be reduced to utter destitution, if it were not for the plan which was frequently adopted of permitting cottagers to rent allotments of ground. The report further stated that the happiest results had been produced by the adoption of the allotment system, which had been generally introduced in Nottinghamshire and other counties. There were now three large enclosure bills before the House; one for the enclosure of 500 acres; another for the enclosure of 2,900 acres; and a third, the Sowerby Enclosure Bill, proposing to enclose 5,000 acres, in the neighbourhood of Halifax. With regard to the last bill, he would observe that hon. Gentlemen must have heard, and he was sure they had heard with great regret, of the extensive and severe distress which prevailed in the manufacturing districts of Yorkshire; and he hoped the House would not sanction the enclosure of such a large tract of land, without reserving some portion of it for allotment among the poor. He was convinced that it was the wish of the House to improve the condition of the poor and labouring classes, and, as he thought that his motion would have such a tendency, he hoped it would be adopted.

Lord *G. Somerset* opposed the motion. It would interfere with the rights of persons who possessed the privilege of occupying common lands.

Lord *J. Manners* suggested that the hon. Member should withdraw the notice and bring in a bill to make allotments to the poor, as recommended by the Labourers' Friend Society. These, in his opinion, ought not to consist of less than two nor more than five acres.

Mr. *Cowper* considered this to be a question of very great importance. He hoped the hon. Member would follow the recommendation of the noble Lord. If a bill were brought in the subject would be properly discussed.

Mr. *Christopher* thought it very right that the House should encourage the industrious portion of the working classes by means of the allotment system, and he should be glad to aid in the furtherance of the system, as recommended by the Labourers' Friend Society, but he objected to the mode of doing it proposed in this motion, because it would be an interference with private property and private rights.

Mr. *S. Crawford* said something ought to be done before proceeding further with the enclosure system, to protect the rights of the poor.

Mr. *Estcourt* thought, that what the motion proposed to do would very materially injure the beneficial system now in operation; it would be the means of encouraging idleness and vice instead of industry and virtue; he hoped, therefore, that the hon. Member would withdraw his motion, though he could not promise the hon. Member his support if he brought in a bill.

Mr. *M. Philips* remarked, that Parliament had never yet done what it had proposed to do so long ago as 1834, he believed, namely, to set apart open spaces for recreation in the neighbourhood of all great towns. From the great extent of the Crown lands he had no doubt an arrangement might be made to exchange with proprietors of lands in the vicinity of great towns. His recommendation to the hon. Member would be to move for a select committee to inquire. It was very important not to proceed in a hurry on such a subject. There was an objection, he thought, to the motion which had not been touched upon, namely, that the effect of it would be to check the progress of inclosure bills.

Mr. *B. Escott* deprecated pressing the motion to a division. The consequence of the hasty mode in which inclosure bills were sometimes passed in that House was, that they contained provisions by means of which numbers of families were deprived of their livelihood. There was good reason, however, to take up the subject, and the House ought to protect the rights of the poor.

Mr. *Muntz* agreed that nothing was more wanted in manufacturing towns than places of recreation for the inhabitants, and that no greater boon could be given to the working-classes than that of providing such places. The want of places of recreation in the open air drove many of the inhabitants to the public-house, where almost necessarily they became drunkards.

Mr. *Stanton* said that the great object of his motion was to put a stop to the passing of inclosure bills without having added to them some such clause as his motion embodied. However, as the general feeling of the House seemed to be that he ought not to press his motion at that time, he would, with leave of the House, withdraw it.

Motion withdrawn.

Treaty of Washington.] Mr. *Hume* said, I take this opportunity of asking the noble Lord the late Secretary for Foreign Affairs whether he has any intention of renewing the debate of last night, which I must say was ended in a manner so discreditable to the House? The manner in which that discussion terminated was disgraceful to the House.

Viscount *Palmerston*: Sir, in reply to the question of the hon. Member, I beg to say, that I do not intend to give any further notice of motion on the subject. My object was to have the question discussed; and I am quite satisfied with that discussion which has taken place. I may add, that after the statement of the right hon. Baronet at the head of the Government, that he could not without prejudice to the public service grant the papers for which I had moved, I could not have pressed my motion to a division.

Mr. *Hume*: Then, Sir, I now beg to give notice, that on the 31st instant I shall submit a resolution to the House, to the following effect:—

> "That the House, looking to the long-protracted negotiations between the Government of this country and that of the United States of North America as to the settlement of the north-western boundary, and taking into consideration the state of our foreign relations in October, 1841, is of opinion, that the treaty of Washington is alike honourable and advantageous to each of the high contracting parties, and that the thanks of this House are due to the Ministers who advised as well as to the right hon. Lord Ashburton, who negotiated and concluded that treaty."

Lord Ashburton.] Viscount *Palmerston* wished to correct a statement he had made the other evening with regard to a noble Lord. He had stated that Lord Ashburton was not only a British subject but an American citizen. He had been informed by the noble Lord, in the course of the morning, that in this respect he was mistaken, and that there was no foundation for the supposition that the noble Lord was an American citizen. He, therefore, felt, it his bounden duty to avail himself of the first opportunity to say that he had made this statement under an erroneous impression. He must say, however, that the noble Lord had understood the assertion to convey an imputation on his character, from supposing that he had spoken under the belief that, in order to become an American citizen, the party must renounce the country in which he was born. If he had had any notion that this condition was requisite, he should not have thought of saying that the noble Lord was an American citizen. His impression was, that in the United States it was the same as in some of the republican states of South America, and that a party could become a citizen without renouncing his native country. This not being the case, of course it was more incumbent upon him to correct the error into which he had fallen when he said that the noble Lord was an American citizen.

Jamaica—Import Duties.] Sir *H. W. Barron* observed, that the legislature of Jamaica had, by a recent act, imposed additional duties on the produce of the United Kingdom imported into that colony. The duties varied from 70 per cent. *ad valorem*, down to 12½ per cent., many of them amounting almost to a prohibition. He wished to ask the noble Lord whether her Majesty's Government meant to give their approval to that bill; and if it were not their intention to approve of it, or had not formed an opinion, he would ask whether the bill would be acted on in Jamaica till the opinion of her Majesty's Government had been signified upon it?

Lord *Stanley* said that the act of the legislature of Jamaica, to which reference had been made, certainly did impose high duties, particularly with reference to Irish produce. By the report received by the Government within the last few days, it appeared that this bill was to be in operation only for nine months: it was to come into operation on the 5th of April, and continue to the end of the present year. The Government had referred that report of the bill, and indeed the whole case, to the Board of Trade. To stop the annual supplies would create great inconvenience; and it would be a matter of consideration for the Government, whether it would be well to reject the bill in operation for such a short period, with the necessity of re-assembling the Legislative Assembly of Jamaica.

Lord *John Russell* said, it was desirable that the Board of Trade should give an early answer, and that this House should know whether the hon. Baronet's statement were correct, that the duties in many instances amounted to 70 per cent; for if this were so, then it was without example.

Lord *Stanley* said that the duties were considerably increased by the bill, although he did not think they were to the extent stated by the hon. Baronet.

Sir *H. W. Barron* observed that the duty on beef was 75 per cent. *ad valorem*, pork 45 per cent., porter 25 per cent., soap 25 per cent., and so on.

CANADA — DUTY ON CORN.] Mr. *Ewart* understood that a 3*s*. duty was to be laid on foreign corn brought into Canada, and that it was then to be brought into this country duty free, or at a nominal duty. Now, would it be the same with foreign corn, taken from any part of Europe, as with coffee, that, if it were taken to any part of Canada, it would be, as it was called, naturalized, and come into the United Kingdom on the same terms as United States corn?

Mr. *Gladstone* said that it seemed to be apprehended that the corn of foreign countries, carried into British colonies, and thence brought here, would not be subject to the same duty here as foreign corn. The hon. Gentleman seemed to imagine that the principle of the British law was, that foreign articles brought into British colonies, and thence imported into this country, were considered as articles of colonial produce. Such, however, was not the case. In order for articles to be admitted on payment of the colonial duty, it was necessary that they should be the produce of the colonies, as well as imported from them. With regard to raw materials brought into the colonies, manufactured there, and then imported into this country, they were considered as articles of colonial produce, inasmuch as all manufactured articles were considered as the produce of the countries where they were manufactured. Since the Customs Act of last year there was no such thing as acquiring a colonial character by being carried into a British colony.

Mr. *Ewart* begged to inquire what was the law with regard to flour, which stood in the position of manufactured goods?

Mr. *Gladstone*: If corn was ground in the colony the flour was deemed to be the produce of the colony.

Lord *John Russell* begged to ask the noble Lord the Secretary for the Colonies, whether he had received such intelligence as would enable him shortly to introduce the measure upon the question of the introduction of wheat into Canada, which he promised to bring forward?

Lord *Stanley* stated that he should be prepared to introduce the measure shortly after Easter.

Mr. *Curteis* said that as his constituents were much interested in the question of the importation of wheat into Canada, he begged to be permitted to ask a further explanation from the right hon. the Vice-President of the Board of Trade upon the subject to which allusion had been made by the hon. Member for Dumfries. He wished to ask whether the right hon. Gentleman meant to say that corn, carried from any part of the world to Canada, at a 3*s*. duty, when manufactured there, might be imported into this country free of duty?

Mr. *Gladstone* would answer the hon. Member by referring him to the general provisions of the law, which had existed for many years. According to the law, any articles manufactured in a colony were deemed to be the produce of that colony. Flour had been always considered to fall within the description of a manufactured article.

ISLE OF MAN—TIMBER DUTIES.] Mr. *Barclay* wished to put a question with respect to the duties on timber payable upon the introduction of that article into the Isle of Man, for the purposes of ship-building. At present, the duties on timber entering that island were much lower than those payable on the introduction of timber into this country. The shipbuilders of Sunderland, and the other ship-building ports, felt this to be a great hardship on them, inasmuch as that the existing law gave a preference to the shipbuilders of the island over those of the ports of this country. He wished to know whether any change in the law were contemplated?

Mr. *Gladstone*: In consequence of the interest taken in this subject by the representatives of the shipping ports of this country, inquiries had been made by the Board of Trade into the question relating to the duties levied on the timber imported into the Isle of Man, for the purposes of ship building, and it was found that those duties were lower than those exacted on the introduction of timber into this country. This was a state of facts which, *prima facie*, presented a case of hardship on British ship builders; but on looking into the case, it did not appear to the Government that any means existed of repairing the mischief without producing other greater evils. It was felt that although the ship-builders of the Isle of Man, in this respect, possessed a preference, yet that, on the other hand, they laboured under great disadvantages. All their iron came from this country, as well as all the commodities of foreign production which they required, and which, therefore, they received at advanced prices. Their capital was small; and the persons engaged in this trade were not able to enter into any extensive speculations. The reason for the interest which had been taken on this subject, was to be found in the fact of the great decline of British ship-building in 1837, 1838, and in 1841 and 1842, and from the report which had gained ground, that much of the ship-building had been transferred to the Isle of Man. Some time ago there was an increase of business in the Isle of Man, but this was a state of things which had not continued, and the depression in the ship-building trade had extended to that place. He had obtained some information upon this question, and he found, that the total tonnage of ships built in the Isle of Man, in 1842 was 1,746 tons; while, in 1841, it had amounted to no less than 2,933 tons. If the year 1842 were compared with the average of the previous five or even nine years, a considerable decrease in business appeared. From these circumstances he drew the inference, that the ship-building trade of the Isle of Man, notwithstanding the advantages which it possessed in the item already alluded to, rose and fell with that of this country; and it was from no competition in that quarter, that British ship building suffered any disadvantage. The strongest reason, however, which disinclined the Government to alter the law was this, that they did not find that they could draw any clear distinction between timber to be used for the purposes of building sea-going ships, and ships to be employed for fishing purposes; and timber imported for the ordinary objects of farm buildings and other general purposes. They thought, that it would be hard to subject the inhabitants to a great increase of duty on articles of the first necessity, which they had hitherto had at a very moderate duty; and they had, therefore, thought it best to allow the law to stand as it now did.

Mr. *Barclay*: That answer of the right hon. Gentleman would not be satisfactory to his constituents.

MERCHANT SEAMENS' FUND.] Mr. *Aglionby* wished to put a question to the right hon. Gentleman the Vice-President of the Board of Trade, relative to the Merchant Seamens' Service Fund. The right hon. Gentleman would recollect, that many petitions had been presented complaining of the abuse of the collection and administration of that fund, and of the existing law. In 1840 a committee had sat upon this subject, and having received some evidence, had expressed its belief, that many abuses and much corruption existed; but it did not in its report suggest the adoption of any specific measure. He wished to know whether the matter was under the consideration of her Majesty's Government, and whether they might hope shortly to see some measure introduced to remedy the defects.

Mr. *Gladstone* said, that the subject was under the consideration of the Board of Trade, and he hoped before many weeks elapsed, to be enabled to lay some measure before the House.

NOTTINGHAM ELECTION.] Mr. *Hogg*, from the select committee appointed to try and determine the matter of the petition of George Gill and Samuel Bean, electors, and also of Joseph Frearson and others, electors, complaining of an undue election and return for the borough of Nottingham, appeared at the Bar and informed the House that the committee had determined:—

"That John Walter, Esq., was not duly elected a burgess to serve in this present Parliament for the borough of Nottingham.

"That the last election for the said borough was a void election."

He further informed the House, that the committee had come to the following resolutions:—

"That John Walter, Esq., was, through his agents guilty of bribery and treating at the last election for the borough of Nottingham.

"That it was proved before the committee, that—

	l.	*s.*	*d.*
William Spurr was bribed by	0	16	0
William Wright	0	10	0
William Milner	0	12	6
John Upton	0	10	0
Edward Flinders	3	0	0
William Middup	1	1	0
James Rayner	2	0	0
William Beardsall	1	0	0
Matthew Daniel	0	7	6
James Wilkinson	0	15	0
William Jarvis	0	15	0
Henry German	0	15	0
James Newton	0	15	0
Richard Roberts	0	10	0
Charles Birkin	0	10	0
James Ash	1	7	6
Thomas Johnson	1	18	0
Charles Clarke by a promise of 5*l*., of which he received 10*s*.			
William Hart	1	0	0
Samuel Colley by a sum not stated, given to his wife			
Francis Beastall by a promise of 5*l*., of which he received 1*l*.			
Thomas Beastall by a promise of 5*l*., of which he received 1*l*.			
John Day, paid to himself and wife	1	5	0
John Kirkham	1	0	0
William Middleton	1	0	0
John Emmerson	1	0	0

"That it was not proved that such bribery was committed with the knowledge or consent of the aforesaid John Walter, Esq."

The report brought up and ordered to be laid on the Table.

The Earl of *Lincoln* said, that it had been the practice during the last Session of Parliament, whenever a report like this was presented, that a new writ for the borough should not be granted until the evidence taken before the committee was printed. He wished to know from his hon. Friend the Chairman of the committee, whether, in conformity with this practice, he intended to move that this evidence should be printed, and that the issuing of a new writ for the borough of Nottingham be suspended, until the evidence was before the House? If the hon. Member did not take this course he should.

Mr. *Hogg* had only one object or desire in this case, which was to pursue that course which was in conformity with the opinion of the House, and which was best calculated to promote the ends of justice. He had received no instructions from the committee over which he had presided, either to move the writ, or to oppose that motion in the event of its being brought forward by any hon. Member—he was however, happy to move that the proceedings before the committee be printed.

Motion carried.

Mr. *Hogg* said, he had received no instructions from the committee; but he hoped that he should not be acting in opposition to their wishes in moving that, until the House had an opportunity to consider this evidence, the issuing of the writ for the borough of Nottingham be suspended. He would say for a fortnight.

Lord *John Russell* had no objection to the motion of the hon. Member in the present instance, but he thought that it was a motion to which they ought not to agree in every case. It was, he thought, in this instance a proper motion, and other cases might arise in which it might be equally proper, but he thought that the House would not consider itself bound to take this course upon every occasion.

The *Chancellor of the Exchequer* was rather inclined to think, that as this was a motion of which no notice had been given, it should hardly on this occasion be pressed on the attention of the House.

Mr. *C. Wood*, as a Member of the Chairman's panel, felt himself bound to say that he did not think that it was quite fair to throw upon the Chairman of a committee the responsibility of taking such a course as that which on this occasion had been cast upon the hon. Gentleman opposite. The duty of a chairman was to obey the desires of the committee; and, such being his position, he thought that the hon. Gentleman ought not to have been called upon to assume the position in which he was placed, because he must be taken, to a great extent, to express the feelings and views of the committee of which he had been Chairman.

Mr. *Aglionby* thought that the noble Lord the Member for Nottinghamshire (Lord Lincoln) was in error in supposing that that which he had stated was a correct description of the prevailing practice of the last Session of Parliament. He thought that that which he had stated was not the practice, but the exception, and that it was only when grounds for the suspension of the writ were stated, that the course which the noble Lord had described was taken. He did not know that any grounds had as yet been stated for this motion. In the case of the Athlone election committee the other day the writ was moved immediately and issued accordingly; and that was the general rule of proceeding; and unless the House received an assurance that some grounds existed to induce the committee to take the course now suggested, and call for the suspension of the writ, he maintained that that course ought not to be adopted.

The Earl of *Lincoln* had stated what he believed to have been the common practice in the last Session of Parliament when such reports were made. In the Athlone case there was no specific report alleging bribery. [Mr. *Aglionby*: Alleging treating.] But there was no report in that case, such as had been read at the bar that evening upon the subject of the election at Nottingham.

Mr. *Cochrane*, as a Member of the committee, begged to state that he should object to the suspension of the writ.

Mr. *Hawes* thought that to assent to the present motion under the present circumstances, would be calculated to establish a precedent which it was not right should be acted upon. He hoped, therefore, that the hon. Member would withdraw this motion, upon an understanding that no motion for a new writ should be made without notice.

Sir *R. Peel* did not see how they could come to such a distinct understanding, unless every individual Member gave his assent to it. The usual course to pursue was for some Member to move for the writ. If the House chose to lay it down as a rule that no one could move for a writ without giving notice it might do so, but he did not see how they could come to this constructive understanding. He thought the best course would be for his noble Friend to move that the evidence be printed and laid upon the Table of the House, and then to give notice that he should oppose the motion for a new writ in case it should be made prior to that evidence being laid before the House. But he did not think the proposed understanding would be binding on any individual.

Sir *C. Lemon* observed, that the motion of the hon. Member (Mr. Hogg) seemed to him to be founded upon a misconception. This was not a special report, but simply a report in conformity with the act. In order to justify the suspension of the writ it should have pointed out this case as distinguished by some extraordinary act of corruption.

Mr. *Hogg* expressed a hope, if any importance were attached to the circumstance of the present motion having emanated from him, that the House would permit him to withdraw it; because in his individual capacity he was of opinion that no case had been made out for the suspension of the writ, and he made the motion merely for the purpose of affording the House an opportunity of coming to a decision on the subject, and not for the purpose of expressing any opinion either on behalf of the committee or for himself.

Motion withdrawn.

The Earl of *Lincoln* gave notice, that, on a motion for a new writ, he would move that it be not issued until the evidence of the committee was before the House.

Mr. *Hume* moved that a new writ be now issued for the borough of Nottingham.

Sir *G. Grey* thought it was the feeling of the House that the writ should be suspended until the evidence was printed; but, as any hon. Member might to morrow move that a new writ be issued, he should join the noble Lord in opposing the issue of the writ while the evidence was in the printer's hands.

Mr. *French* called on the House to observe that the chairman of the committee and also another member of it, declared it to be their opinion that the writ ought not to be suspended. As a motion had been made, he thought the House should go to a division on the question whether the writ be issued or not.

The Earl of *Lincoln* thought the most convenient course for him to pursue would be, to move, as an amendment, that the writ be suspended to that day sennight.

Sir *G. Grey* knew nothing of the proceedings of the Nottingham committee except what he had now heard from the report, which contained a list of voters who were proved before the committee to have been bribed. It was well known that the cases of all the voters actually bribed were not brought before the committee, and that as many only were produced as were necessary to establish the charge of bribery. It did not follow that many others might not have been bribed. But, at all events, looking at the previous proceedings of this borough, at the fact that a former election had been set aside by a select committee on the grounds of notorious bribery, and looking also at the long list of persons who had been bribed on this last occasion, and considering that the House had already gone out of the ordinary course, in having ordered the evidence to be printed with a view to its consideration, he could not see any objection to the amendment of the noble Lord, and should, therefore, support it.

Mr. *Aglionby* would vote for the issuing of the writ. He thought they had no right to suspend the writ unless upon very strong and special grounds. He had over and over again voted for the suspension of writs in certain cases where grounds had been shown, and where the evidence laid before the House proved that there had been general corruption in the town, and would do so again in similar cases. But in this case the noble Lord had shown no grounds for the suspension of the writ; he had merely made a motion to that effect. The right hon. Gentleman who last spoke had stated some grounds, but they were neither sufficient nor constitutional. He called upon the House to suspend the writ, because on a former occasion there was bribery and corruption at Nottingham. But it would appear that bribery had diminished. He had no local knowledge of or particular interest in the borough of Nottingham, and he assured the House that what effect the issuing or suspension of the writ would have upon the different parties in that borough he was totally ignorant. He grounded his remarks entirely upon the principle of the question. If the committee had reported specially that they had found in the borough of Nottingham general and systematic bribery, and treating and corruption upon a large scale, then might their report be considered a sufficient reason for suspending the writ; but, in point of fact, there had never been presented to that House a more simple report. It said nothing whatever against the town, but merely specified a few individuals who it appeared had been bribed with very small sums. For this reason he thought it the bounden duty of the noble Lord, or some one who supported the noble Lord's opinion, to show grounds for the suspension of the writ. They had not been told by the Chairman, or any Member of the committee, that the feeling of the committee, or any member of the Committee, was that great and systematic bribery had taken place at the last election, and he implored of the House not to act rashly in suspending the writ in the case of a large town like Nottingham, because some ten or twelve persons had been proved to have accepted bribes of a very small amount. In the case of Athlone there was precisely a similar report. In the case of Athlone treating was alleged and treating was reported to have taken place. In point of law there was no difference between the offences. Treating in Athlone had the same effect in point of law as bribery in Nottingham. He thought it a dangerous precedent to adopt to suspend the writ in this case without reason; for no one could go so far as to say that sufficient grounds had been shown for suspending the writ until the evidence be printed. Unless some Member of the committee declared that sufficient grounds existed, or unless some sufficient grounds were really advanced in favour of the suspension of the writ, he should vote against it.

Mr. *Cochrane* said, that after the question had been referred to a select committee, after the report which had been presented from that committee, and after the declaration which had that evening been made by individual Members of it that they saw no reason why the writ should not be issued, he thought it would be a most unjust proceeding on the part of the House to agree to its suspension. It could not be alleged that the cases of bribery enumerated in the report, amounting in all to about 30*l.* or 40*l.* could possibly justify the House in suspending the writ He was decidedly of opinion that they did not, and that to take such a step without sufficient ground would form a very objectionable precedent, and one which might be liable to great misconstruction.

Lord *John Russell*: The House had already ordered that the minutes of evidence taken before the committee be laid on the Table of the House and be printed for the information of hon. Members, and that step, he supposed, had been taken for the purpose of considering the result of the facts proved. The House found no fault with the decision of the committee, so far as that decision came within the purveiw of the duties imposed on them. The committee had discharged its duties, but he was not disposed to believe that, after the House had ordered the minutes of evidence to be produced, they should go so far as to say that they were entirely satisfied, from what had been said by the chairman and one other member of the committee, that no grounds existed for suspending the issuing of the writ, or for taking any further steps whatever. It had been said that the noble Lord had not stated any grounds for his proposition, and it was impossible that he should do so until he had seen the evidence which had been given. It was for the purpose of seeing and considering that evidence, and of ascertaining whether any grounds of disfranchisement existed, that the writ was now sought to be suspended. His hon. Friend (Mr. Aglionby) was justified in saying that in an ordinary case the House would not be disposed to order the minutes of evidence to be printed, and to suspend the writ, even for a day; but the House could not lose sight of the fact that there had been a select committee appointed last year to inquire into previous occurrences, and into the manner in which the seat for this borough had been vacated; and the elections for Nottingham should be, therefore, looked at with jealousy by the House. He did not say that it would not be proper, on reading the evidence, to issue the writ, but he thought that much care and deliberation was requisite upon these questions; and he confessed that he did not think that the great question of constitutional liberty would be much affected by this proceeding.

Sir *R. Peel* thought that there was ample ground for the suspension of this writ until the House had had an opportunity of looking at the evidence. The report stated that the agents of Mr. Walter had been guilty of bribery and treating, and that the bribery had been brought home to them; and no fewer than twenty-seven cases were mentioned of persons actually receiving bribes. Let the House observe what some of these case were. It was proved in some case that 1*l*. had been paid, but that that sum was part only of 5*l*. promised; there were three cases of such promises and part payments, but there were twenty seven cases in which bribery was clearly established. He did not mean to prejudice the case as to whether the evidence would justify the suspension of the writ, but as they were to have the evidence laid before them, and as twenty-seven cases were proved, he thought that they were bound to accede to the amendment of his noble Friend.

Mr. *Hogg* wished to state his impartial opinion to the House as chairman of this committee. When he stated that there was no ground for suspending the writ, he alluded merely to the evidence that had been taken before the committee on the present occasion. He also considered it to be his duty, as chairman of that committee, to say that the committee did not, from the evidence taken before it, deem it necessary to make any special report. It should be recollected that this was a borough containing 60,000 inhabitants, and between 5,000 and 6,000 voters. On the present occasion the general prevalence of bribery had not been brought permanently under the notice of the committee, and he thought that nothing could tend more to defeat the object which the House had so much in view—namely, the suppression of bribery—than for it to press for the suspension of the writ or the disfranchisement of a place where the bribery and corruption had not been enormous. The House might depend upon it that the pursuing such a course would have a very different effect from putting down bribery. He did not mean to say that the bribery was confined to the twenty-seven or twenty-eight cases mentioned in the report of the committee; indeed he knew that it extended much further, for the evidence taken before the committee showed that bribery and treating was extensively carried on there. But admitting all this, still on reference to the number of the electors and to the size of the borough, he did not think that the bribery or treating, or other corruption, was sufficiently extensive to justify the committee in making a special report. They had, therefore, made a report in conformity with the terms of the act of Parliament. He was sure that it was the opinion of the committee that if any further steps should be taken they should originate with the House. He must add, however, that it would appear rather foolish to call for the production of the evidence and proceedings of the committee, if it was at once to put them aside. For his own part, if he was compelled to give his vote, and if the hon. Member persisted in moving that the writ be suspended, he should certainly vote with him.

Lord *Ebrington* wished to know from the hon. Member who had stated that, as chairman of the election committee, he did not consider that there was sufficient to justify the suspension of the writ, why he so readily yielded to the suggestion made to his elbow, to move for the production of the minutes of evidence taken before the committee.

The *Chancellor of the Exchequer* did not think that it was prudent for the House rashly to suspend the issuing writs. It was a dangerous exercise of power, and if often adopted, might be productive of the most serious consequences. He agreed with his hon. Friend, the chairman of the committee, that although bribery might be found to have been committed in a place, still it might not be carried to such an extent as to justify them in resorting to extreme measures. The case of Nottingham, however, was different from an ordinary case, for it must be in the recollection of all, that the House appointed a special committee last year, to inquire into certain peculiar circumstances connected with Nottingham, and to report concerning certain corrupt compromises which had been entered into for the purpose of avoiding investigation into gross bribery, which had been alleged to have been practised there. In that report it was stated, that the number of electors for the borough of Nottingham was 5,400, that the sum expended on the election, on the part of Sir John Cam Hobhouse, and Sir George Larpent, was 12,000*l.* Of this sum a very large part was expended in an illegal manner; some in direct bribery, some in treating, and other unlawful proceedings, without the personal cognizance of the candidates. The expenditure on the part of the opposing candidates appears to have been about 4,000*l.* or 5,000*l.* The expense was thus comparatively small, because the poll was not taken, and it was stated that the bribery of the voters and other illegal practices in this interest, were thus rendered unnecessary. It is clear, that the system on the one side and the other was the same, which system arose in some of the preceding elections, and was particularly developed in that of April, 1841. With this report before the House, it was clear that Nottingham did not stand in the situation of an ordinary borough, where bribery to a limited extent only had prevailed. He did not mean to say, that there were grounds in the present instance for proceeding against Nottingham as a case of general bribery and corruption, but as the House had called for the evidence taken before the committee, he thought, that before they had seen what it was, it would be improper, under the peculiar circumstances of the case of this town, at once to issue the writ. What he had just mentioned, alone, would induce him to vote for the suspension of the writ, for he objected most strongly to resorting to such a proceeding as a general rule.

Mr. *Hawes* thought, that if the House was called upon to suspend the writ, that it should only be induced to do so on special grounds. He objected to the right hon. Gentleman quoting the proceedings of the Election Compromise Committee as having reference to the present question. That committee had referred to it the consideration of the circumstances which had led to the compromises which prevented the House from investigating the bribery that was alleged to have taken place at Nottingham and other places; but that committee did not allege that these corrupt practices prevailed there to such an extent as to call for the disfranchisement of the borough. The recent committee, also, although it alleged specific cases of bribery, did not make any special report as to the general prevalence of it there, he, therefore, did not think, that there was sufficient ground for suspending the writ. He must admit, however, that after having ordered the production of the evidence, that it was the rational course to read it. But in all cases of writs, he thought that it would be well to act upon a suggestion which was thrown out by the right hon. Baronet, and he hoped, that the noble Lord, the Member for London, and the right hon. Gentleman would agree to some resolution on the subject, so that there should be a practice that no writ should be moved for without due notice.

Sir *Charles Douglas* thought, that the House, consistently, could not vote for any other course than the suspension of the writ; for, after the evidence they had of what took place at the last election for Nottingham, it was a matter of consequence that the House should look into the evidence to see by whom the parties named in the report had been bribed at the last election. If those agents which were referred to as having been instrumental in the commission of these acts of bribery, should turn out to have been electors of Nottingham, he thought, that there would be grounds for resorting to some further steps in the matter.

Mr. *B. Escott* said, that the House was already in a position to know some of the merits of the case, for three Members of the committee had told them that they did not consider that the evidence taken before them was such as to justify the House in refusing to issue the writ. Under these circumstances he did not see what necessity there was for their persevering in the motion to have the evidence laid before the House. If the hon. Member persevered in his motion for the issuing the writ, he should vote for it on constitutional grounds.

The House divided on the question, that the words proposed to be left out stand part of the question:—Ayes 69; Noes 91: Majority 22.

List of the NOES.

Archdall, Capt. M.
Baring, right hn. F. T.
Blewitt, R. J.
Borthwick, P.
Bowring, Dr.
Bradshaw, J.
Brotherton, J.
Browne, hon. W.
Christie, W. D.
Cobden, R.
Cochrane, A.
Collett, W. R.
Crawford, W. S.
Curteis, H. B.
Dawson, hon. T. V.
Disraeli, B.
Duncan, G.
Duncombe, T.
Ebrington, Visct.
Ellice, E.
Elphinstone, H.
Escott, B.
Evans, W.
Fielden, J.
Ferguson, Sir R. A.
Forster, M.
Fox, C. R.
French, F.
Gibson, T. M.
Gill, T.
Goring, C.
Greene, T.
Hawes, B.
Heathcoat, J.
Henley, J. W.
Hindley, C.
Hogg, J. W.
Howard, hon. C.W.G.
Humphery, Mr. Ald.
Hussey, T.
Hutt, W.
Inglis, Sir R. H.
Johnson, Gen.
Johnston, A.
Kemble, H.
Labouchere, rt. hn. H.
Lambton, H.
Lemon, Sir C.
Mauners, Lord J.
Mitchell. T. A.
Murray, C. R. S.
Napier, Sir C.
O'Brien, J.
O'Brien, W. S.
Ogle, S. C. H.
Rice, E. R.
Ross, D. R.
Scholefield, J.
Scott, R.
Smith, rt. hon. R. V.
Smythe, hon. G.
Stuart, W. V.
Thornely, T.
Tollemache, hon. F. J.
Trelawny, J. S.
Villiers, hon. C.
Wall, C. B.
Wawn, J .T.
Williams, W.

TELLERS.

Hume, J.
Aglionby, H.

List of the NOES.

Adare, Visct.
Adderley, C. B.
Aldam, W.
Arkwright, G.
Bailey, J. Jun.
Baring, hon. W. B.
Barnard, E. G.
Baskerville, T. B. M.
Beckett, W.
Bentinck, Lord G.
Bernard, Visct.
Bodkin, W. H.
Boldero, H. G.
Brocklehurst, J.
Bruce, Lord E.
Buller, C.
Buller, Sir J. Y.
Cavendish, hon. G. H.
Clayton, R. R.
Clerk, Sir G.
Colquhoun, J. C.
Corry, right hon. H.
Cowper, hon. W. F.
Cripps, W.
Damer, hon. Col.
Dickinson, F. H.
Douglas, Sir C. E.
Duffield, T.
Egerton, W. T.
Eliot, Lord
Flower, Sir J.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, hon. R.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Grimsditch, T.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Hatton, Capt. V.
Hepburn, Sir T. B.
Hervey, Lord A.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
James, Sir W. C.
Jermyn, Earl
Johnstone, Sir J.
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Lascelles, hon. W. S.
Lennox, Lord A.
Lincoln, Earl of
Mackinnon, W. A.
Maclean, D.
Masterman, J.
Morgan, O.
Morris, D.
Muntz, G. F.
Neeld, J.
Nicholl, right hon. J.
Norreys, Sir D. J.
Northland, Visct.
O'Brien, A. S.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Plumridge, Capt.
Pringle, A.
Richards, R.
Round, J.
Russell, Lord J.
Sandon, Visct.
Scarlett, hon. R. C.
Smith, A.
Smith, rt. hon. T. B. C.
Stanley, Lord
Stanton, W. H.
Sutton, hon. H. M.
Thornhill, G.
Tollemache, J.
Tufnell, H.
Vivian, J. H.
Ward, H. G.
Wortley, hon. J. S.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

The words proposed by Lord Lincoln were added to the motion, which, as amended, was put and agreed to.

The issuing the writ suspended for a week.

THE ROYAL PALACES AND PARKS.] Mr. *W. Williams* said, that for several years he had called the attention of the House, when the miscellaneous estimates came before them, to the large expenditure on the royal palaces, and he never could get any satisfactory explanation in answer to his observations. For the last eight years, from 1835, there had been expended on seven royal palaces and Marlborough-house, and the Lower-lodge, Bushy-park, not less than 438,000*l.*, of which large amount no details had been furnished.

During the same period there had been expended on the royal parks, under the direction of the Woods and Forests, not less than 433,000*l.*; a deduction, however, must be made on the credit account from this of 89,000*l.*, which would leave an expenditure of 344,000*l.* In addition to this, 70,000*l.* had been expended upon new stables at Windsor Castle. From papers laid on the Table, he also found, that sixty-three houses had been purchased at a cost of 68,900*l.*, for the purpose of continuing the improvements in the neighbourhood of Buckingham-palace and St. James's-park. All these items taken together would make an expenditure of 920,000*l.* for the royal palaces and parks during the short space of eight years. He had taken these details from the yearly estimates and from the accounts of the Woods and Forests, and there might be other items of expenditure with which he was not acquainted. He said this because, on looking into the annual financial accounts, he could not find any account of the expenditure on the stables at Windsor, under the control of the Woods and Forests, while he knew that that House had voted 70,000*l.* for that purpose, and he had been informed, that that sum had been actually expended. He did not believe, that any account of the expenditure of that sum had been furnished to the House. For the last eight years no detailed explanations had been given of the expenditure under this head. In the year 1835, a statement of the expenditure on each of the royal palaces was given; he now wished for a similar return up to the present time, for since the period he had just named, all details of the expenditure had been withheld. At present all the information that they possessed was given to the House in the annual account of the Woods and Forests, of the expenditure on the royal parks. Now, the charge for the royal parks, not merely included Windsor park or St. James's-park, but Hamptoncourt-park, the Regent's park, Bushy-park, and even the Curragh of Kildare, and these had cost last year 76,200*l.* In the estimate for the royal palaces for this year, he found enumerated under one general head—

"Windsor Castle, with the Poor Knights'-houses, the Tomb-house, the Lower-lodge, the stables, Frogmore-house and other detached buildings, the engine upon the King's river for supplying the castle with water, exclusive of the internal repairs, alterations and additions at the state apartments, and those apartments occupied by her Majesty and the royal household. Hampton-court Palace, gardens, buildings, forcing-houses, &c., stables, and outbuildings. Hampton-court stud-house, Longford river and Combe conduct, which supply the palace with water. Kew Palace stables and buildings, belonging to her Majesty, on Kew Green. Kew: the observatory, pagoda and buildings in the pleasure, botanic, and kitchen gardens, including the forcing-house, &c. Kensington Palace, with the buildings in the gardens, &c. Buckingham Palace, for the repairs of the exterior of the building. St. James's Palace. Royal mews and riding-house; Pimlico. Carlton-house stables, external repairs. The royal Pavilion, Brighton, palace, stables and outbuildings, and the estimated charge was 35,191*l.*"

In addition to this, there was a charge of 8,400*l.* for alterations and repairs at Windsor Castle. This made up a sum for the present year of 43,591*l.* for the royal palaces. All that he required was, that the annual expenditure should be given in detail, and that each building should have the specific cost stated against it. It appeared to him most extraordinary that there should be any objection to state the expenditure with each item, instead of giving the amount in one sum. The noble Lord at the head of the Woods and Forests would no doubt state the reasons for refusing to furnish this information; but he hoped that the House would not be satisfied, but would insist upon having the return. If the House had not been neglectful of its duties, as regarded inquiry into the expenditure of the public money, it would not be satisfied with even such a detail as he called for, but would insist upon being furnished with a return having much more extensive explanations. It appeared a most extraordinary proceeding to expend the large sum of 900,000*l.* on the royal palaces and parks in the course of eight years. Again, a charge for new stables at Claremont-park was, he believed, taken out of the 50,000*l.* which was nominally allowed to the King of Belgium. If the money came from the purse of the King of Belgium, he could have no ground of complaint; but he strongly suspected, indeed he had every reason to declare, that it came out of the 50,000*l.* It was true, that the King of Belgium did not now receive any portion of this amount himself, but still there was a very large deduction annually made from this amount for Claremont, and for other purposes. He had no wish to interfere with the palaces, which were kept up for the accommodation of her Majesty; but there were several buildings kept up at the public expense as royal palaces, in which the Queen not only never dwelt, but into which she never entered. Looking to the distressed state of the country, and the great masses of the population which were to be met with without food, and the confused state of the finances of the country, no outlay should be made on those palaces which it was not necessary to keep up for the comfort and convenience of her Majesty. He should like to know for what purpose Kew Palace was kept up at the public expense, which he understood was held by the King of Hanover. Again, Hampton Court was granted out in apartments to persons who had sufficient influence at court to obtain them. All that he required of the noble Lord was to take the estimate of the present year, and to give a detailed explanation of the mode in which the 45,000*l.* was to be expended, instead of putting the two items in one general sum. The hon. Member concluded by moving an address for an

> "Account of the public money expended on each of the royal palaces, gardens, and parks, and appurtenances thereof; stating the amount of expenditure from Parliamentary grants, Crown revenues surrendered to the public by Civil-list acts, and other sources; and also the amount of the salaries or other emoluments received by the rangers and deputy rangers in each year, from 1811 to 1842, inclusive."

The *Earl of Lincoln* thought the hon. Gentleman had almost forgotten the terms of his notice of motion in making his last request. That was not the motion of which the hon. Gentleman had given notice, and if it were he should not have been able to comply with it. It was impossible to estimate the precise sum which would be expended on each item, although a round sum might be stated for the expenses which would be required; but there was not the slightest objection to state how the money had been expended. The motion was, in fact, not a return for one year, but for thirty years, and the only objection he had to make to this return, was the extreme attention and labour it would require, as well as a great consumption of the time of the clerks, and an unnecessary expense for obtaining information which could not be at all valuable. If the hon. Gentleman's object were to seach into the principle of the management of the Woods and Forests, he would attain that end by a return for a much more limited period. He could only assure that hon. Gentleman, that so little desire had the Woods and Forests to conceal anything, whether with regard to the expenditure of the money voted by Parliament, or to the details of the management of the office, that if—instead of making motions in that House which cost a great deal of time and money—he would call at that office, he would receive every information to enable him to substantiate any fact. That would be a very much more convenient course; it was one which he had ventured to suggest to the hon. Member for Hull, when he had given notice of a motion for a return which would have required a considerable number of the clerks to be employed for twelve months to make it out. He had no doubt, with the assistance of the clerks in the office, the hon. Member would be enabled to substantiate any fact he wished in a few hours. If the hon. Member merely wished for a detail of the manner in which the money voted by Parliament was expended, in order to ascertain that it was not wastefully applied, if the hon. Member would confine his motion to a more limited period, he would not object to it. He did not know why the hon. Member had taken 1811 as the time for the commencement of the returns he moved for, but at that time some of the returns he had moved for were under the control of the Board of Works, and the whole system of management since then had been materially changed, more especially since 1832, when a totally different system of keeping the accounts had been adopted. If the hon. Member would confine his motion from the 1st of January, 1838, to the 1st of January, 1843, the hon. Member might obtain everything he desired. He thought the hon. Member had inaccurately stated the amount of money expended annually on the royal palaces and parks, in stating it at 120,000*l.* a-year. He thought the hon. Member must have included the cost of public buildings, which amounted to sixty-two in number, in order to swell that amount; for he believed the average expense for royal palaces had been somewhere about 40,000*l.* a-year, and the average expense of the royal parks had been about 20,000*l.* a-year, being only half the sum the hon. Member stated. Whether the hon. Member took into his account the amount expended in the purchase of property for a very different purpose—namely, for improvements in the metropolis, he did not know, but the amount voted by Parliament for the expense of royal palaces and parks certainly did not amount to more than half what the hon. Member had stated. As to the royal palaces not occupied by her Majesty, those which cost the largest sum to keep them in repair, were kept up principally for the amusement and enjoyment of the public. No palace cost more to keep up than that of Hampton-court, which had been made the source of very great enjoyment to the public; and as to the apartments of that palace being appropriated to individuals who had influence enough to obtain them, the hon. Gentleman must admit, that no privileges could be more appropriately and properly distributed than those favours had been. One of the last grants of apartments in that palace had been to the Marchioness of Wellesley, and the last of all to the sister of the late Mr. Drummond. The hon. Member had stated, that he could not find any account of the sum spent on the stables at Windsor; the hon. Gentleman needed not to have given himself so much trouble, for if he had looked on the Table of the House he would have found the authority for the expenditure in an act of Parliament. The King of Hanover possessed a small House on Kew Green, but the palace was not occupied by him. The hon. Gentleman had attempted to prove, that the sum expended by the King of the Belgians on Claremont Palace was from the public money. This sum of money was the private property of the King of the Belgians, and he might have received the whole of it; but he paid the whole into the Exchequer with the exception of those sums which were paid in the repair of the palace.

Mr. *Hume* thought the return asked for might be granted, and he did not think it would require much trouble on the part of the clerks to make it out, or that it would incur much expense; he therefore thought the vote ought to be conceded. So far from the King of Belgium receiving anything, he knew that the King of Belgium subscribed to many charities in this country out of his own pocket money derived from Belgium. He regretted that he could not say so much for the King of Hanover; we were still called on to pay 21,000*l*. a-year to the King of Hanover as a Prince of the Blood Royal.

Sir *R. Peel* thought, that there must be a general opinion on the part of the House, that the proposition of his noble Friend was a perfectly reasonable one; and that he had completely proved, that her Majesty's Government had no wish to conceal any particular items of the expenditure on royal palaces whatsoever. The hon. Member had seemed to express a desire only for an account of the proportion for the last year of the sums appropriated to this department; but his noble Friend went further, and said he would give a return for the last five years, containing a detail of the whole of the sums applicable to royal residences. Why, if concealment were the object sought, it was quite clear that it must be defeated, by giving an account for five years, as certainly as if a return were made of the expenditure for fifteen or thirty years. But hon. Gentlemen should observe, that the establishments for conducting the public business were upon a very limited scale. Those provided were not more than sufficient for the discharge of the ordinary business; therefore, if numerous and needless returns were moved for, no complaint should be made against the Government for increasing those establishments, and increasing the public expenditure, in order to furnish those returns in compliance with the orders of the House. But what possible object could a return for thirty years answer? A return for five years would be sufficient for the purpose of the hon. Member. But it was not one, but many returns, that the hon. Member asked for, and to agree to the hon. Member must only increase public business and public expense, without his being in any better position than he would be with a return respecting a shorter period. That must be the conclusion which he thought the House would come to, and he hoped that hon. Gentlemen, when they called for these returns, would bear in mind what must be the effect upon the public expenditure. Why, if an account of the expenses of any department during the last thirty years were called for, they would certainly appear to be enormous. That for Windsor Castle, for instance, would appear so; but it would answer no useful or proper purpose to call for such a return. Let not hon. Gentlemen, then, call for returns calculated to create new prejudices and to excite unjustifiable feelings against royalty on account of erroneous impressions arising from such accounts. What could be more unjust than to dwell on the expenditure upon the royal parks? Who benefitted by it? Her Majesty abandoned all her right to those parks for the purpose of increasing the public delight and satisfaction. The royal parks were not kept for the use of the occupants of the royal palaces. True, they were the Queen's parks, and no doubt sums of money were expended upon them, and, as he thought, wisely expended, because they were devoted to the enjoyment and recreation of the public. Let not then the money laid out upon them be considered as expended upon royalty, and thus be converted into a means of raising prejudice against the monarchy. When, therefore, the hon. Gentleman spoke of 120,000*l.* being spent upon the parks—an estimate far too high, and which would be nearer the truth if stated at 60,000*l.*—let him deduct what was expended for the enjoyment and comfort of the public from the charges he placed to the account of the Sovereign. Then, as to the palaces, what satisfaction did her Majesty derive from Hampton-court? Were not the public admitted freely into that palace, and permitted fully to enjoy the exhibition of the paintings in the extensive picture-gallery of that palace? And were they not kept there to improve the taste, and to increase the enjoyment and pleasure of the people? Let the expenditure in that quarter then not be considered as an expenditure upon royalty. But then something was said about the rooms and apartments there, and the patronage of Government in connexion with them. The Government derived no patronage from that quarter, and the apartments were granted on condition that they be kept in repair. It was infinitely better that the apartments of the palace of Hampton-court should be inhabited and kept in repair by those inhabitants, than that they should be allowed to go into decay, to be ultimately repaired at the public expense, or perhaps sold by auction. Who would like, however, to hear that the palace was to be sold by Mr. Robins? Would it not be revolting to every lover of his country to have a palace erected by Wolsey and restored by King William, sold by auction? Who would like to hear that? He believed the hon. Member opposite (Mr. Hume) would not. He saw that the hon. Member went along with him in his observations. [Mr. Hume nodded assent.] The appointments to the unoccupied apartments in that palace had been made with especial care; and there could not be a better mode of disposing of them than amongst the widows, orphans, and relations of those who had claims upon the public service. [At this part of his speech the right hon. Baronet paused, overcome by the recollection of a late tragical occurrence, connected with the name of Miss Drummond and the allusion to her apartments in Hampton Court. During this pause the right hon. Baronet was warmly cheered from both sides of the House]. He ventured to say, that if they remembered how those appointments were bestowed, they would not consider the expenditure upon Hampton Court as chargeable upon the Sovereign. If it were necessary to say more he might remind them that her Majesty had divested herself of the whole of the revenues of the Duchy of Cornwall, and insisted upon their being placed in trust for the Prince of Wales; that her Majesty had paid the expenses incurred by the visit of the King of Prussia to this country in order to stand godfather to the Prince of Wales; that her Majesty had not asked for the expenses of the christening; that her Majesty had visited Scotland in order to give satisfaction to her subjects there, without appealing to the country for the charges of the journey; that the whole of the extra expenses of the Royal household were paid out of her Majesty's privy purse, and that the Queen had expressed her firm determination that no debt should be incurred for any of the expenses under the civil list; and last, that her Majesty had voluntarily undertaken to bear the burthen of the income-tax to which her subjects were liable. Whatever complaints then might be made in consequence of the stagnation of trade and the distress of the working classes, he ventured to say, that the more that was known of the expenditure connected with the expenses of the monarchy of this country, the more the public would be satisfied, and the less desire would there be to complain of the expenditure in that department.

Mr. *Curteis* complained of the conduct of the hon. Member for Montrose for not opposing the bill for expending so much money upon the Royal stables at Windsor, which he would have done had he then had a seat in the House. He thought half the sum of 70,000*l.* would have been enough for the purpose, and that the public officers must have made a very bad bargain; half the money was enough to build all the stabling that could be required by any monarch of any civilized country whatever.

The motion as amended on the suggestion of Lord Lincoln, and limited to the period between the years 1838 and 1843 inclusive, agreed to.

RELATIONS WITH NAPLES.] Mr. *Hume* rose to move for the following returns:—

"1. A copy of the commercial treaty made and signed by John M'Gregor, Esq., in the year 1840, with the Neapolitan Government, on behalf of Great Britain, but not ratified by the British Government, as required in January, 1841. 2. Account of the charge for Sir Woodbine Parish's commission to Naples; stating the names of the persons employed, the salaries and allowances to each, the total expense in each year, and distinguishing the charge for contingencies. 3. Copy of the orders issued to Admiral Stopford, in 1840, to proceed to Naples with a squadron of British ships of war, to make seizures of the ships and property of his Majesty the King of Naples; and an account of the number of ships seized by British ships of war, and the conditions upon which these vessels were delivered up to their owners; and copy of the orders for restoring them."

The hon. Member wished, in making the motion, to call the attention of the House and the right hon. Baronet (Sir Robert Peel) to the state of our commercial relations with Naples. He must express his regret that the treaty which Mr. M'Gregor had concluded had not been ratified, as he thought it would have been beneficial, and he should wish to learn from the Government why its benefits were not secured to the country. At present the duties on our commodities when imported into Naples were exorbitantly high, and the House would see by Mr. M'Gregor's report, page 26, that our commodities were subject to duties varying from 35 to 700 per cent. He begged the attention of the right hon. Baronet to that point, because it showed that the Government of Naples following our example, was of opinion that high duties promoted the prosperity of that country. The consequence of this was, that our woollens were superseded in the markets of Naples by the woollens of France and Belgium; and he submitted to the right hon. Baronet the propriety of lessening the cost of manufacturing woollens, by taking off the duty on the raw material, and of obtaining some reduction in the duties in Naples, in order to enable our manufactories to compete with those of France and Belgium. He believed that unless the duty on wool was taken off, and the charge of manufacturing the article reduced, we should lose that trade altogether. With respect to the duties on linen, they, too, were high, and the linen trade was declining. Our exports of iron stood their ground, but our hardware and cutlery found a powerful competition in the cutlery from Germany, and, during the last five years, our hardware trade had declined, and would probably be lost. The same was the case with glass. If the right hon. Baronet were able to reduce or abolish the duty on glass, there was, he believed, no manufacture which would make a more rapid progress; and if it were not abolished, our exports of glass to Naples would cease. With respect to the treaty, he regretted that it was not ratified, because by that it was settled that all the duties on English commodities were to be based on a tariff varying from from 10 to 20 per cent. That treaty was concluded by both parties, but it was not ratified according to the agreement, an January 1, 1841. No reason was assigned for that, and all the benefits of the treaty were lost. He was anxious to hear from the right hon. Baronet why the treaty had not been ratified, and if her Majesty's Government intended to adopt any measures on that subject. With respect to the commissioners who had been sent to Naples, no details had ever been given of their expenditure. The losses which our merchants had suffered by the sulphur monopoly were not yet compensated, and he wished to learn from the Government why the matter was not arranged. It had been a long time in hand, and he had heard many complaints of its not being settled. No account had been laid before the House of the expense of the commission, and no report had been made of its proceedings. With respect to the third motion, Admiral Stopford had been ordered, because the court of Naples did not agree to our propositions, to seize all the Neapolitan vessels he could get hold of. He disapproved of that proceeding; he thought it was wholly unwarranted.

No explanation of the matter had ever been laid before the House, and he hoped that there would be no objection to his motion. He was one of those who thought a conciliatory policy on all such occasions was the best, and the most likely to attain the ends in view. He begged the Government to believe that he moved for these returns in no hostile spirit, but merely to get at the facts. The hon. Member concluded by submitting his motion.

Sir *R. Peel* thought the hon. Member had scarcely given sufficient notice, in announcing his intention to move for these returns, to warrant him in engaging in a discussion on our commercial policy, and on the duties on woollen, linen and hardware. The hon. Member hardly gave notice enough to induce the Government to expect a discussion on the important matters connected with the returns the hon. Member moved for. The hon. Member recommended that the duties on wool, cotton, and particularly the duty on glass, should be repealed. Nothing was more easy for hon. Members in the situation of the hon. Member than to show an excess of liberality, but it was very different for those who had to provide the ways and means, and on whom rested the responsibility of keeping up the public revenue. The hon. Member must, however, rejoice that the increase of taxation passed last year had enabled him to make reductions in our duties, which it would not have been possible to effect without some additional supply of revenue. The hon. Member, however, would not expect him to enter into a discussion on the reduction of taxation. On the contrary, it was his duty not to say one word on the subject, or to admit the supposition that reduction of duties would be made, or that he designed to make any. He would tell the hon. Gentleman, with respect to his motion, that he had no possible objection to that part of it which related to the commission, at the head of which was Sir Woodbine Parish. But he could not assent to it without bearing his testimony to the admirable manner in which that Gentleman had performed his duties, nor without saying that he had exhibited throughout great zeal and great good sense. As to the expense of the commission, he could tell the hon. Member that it did not exceed 3,600*l*. He must inform the hon. Gentleman, that with respect to his third motion, he was ready to grant him a return of the number of Neapolitan ships taken by our squadron; but he must object to the other part of that motion. With respect to the motion for the production of the commercial treaty, he must state that the Government of the day when it was concluded, which was under Lord Melbourne's administration, asserted that Mr. M'Gregor had not full powers to negotiate such a treaty, and they did not approve of it. The Neapolitan government, too, considered that it had not given full powers to its agent, and it disapproved of the treaty. Thus the treaty never was executed; it was not, in fact, a treaty at all; it did not exist in any official form, and he could not give it to the hon. Member. In consequence of the imperfect powers given to the agents the treaty could not be ratified, and it would not be proper to lay it before the House. He agreed with the hon. Member that it was better to gain our objects by a conciliatory policy, if we could, than to have recourse to force; but when conciliation failed—when all consideration of right was neglected, then it became necessary to employ force, in order to secure that justice should be done. At the same time, the hon. Gentleman would see, now that the disputes were adjusted, that it would not be wise to revive animosities; by producing copies of the orders given to our admiral, now that our demands on Naples were agreed to. The hon. Member must be sensible that it would do no good. He would tell the hon. Member what those orders were. The admiral had orders, so soon as he was informed by our minister at Naples that he was satisfied with the concessions of the Neapolitan government at once to set all the vessels at liberty. He was sure, therefore, that the hon. Member would not call for the orders under which a small number of vessels were seized, when all the matters in dispute were now arranged. He trusted that the unfriendly feelings which had prevailed would gradually abate, and the hon. Gentleman would feel that it would be neither wise nor good policy now to lay on the table the orders given to admiral Stopford. He hoped the hon. Gentleman would be satisfied with receiving an account of the number of ships and of the commission, and that the hon. Gentleman would withdraw his motion for the production of the orders to admiral Stopford, and for the treaty negotiated by Mr. M'Gregor.

Second motion only carried, first and third withdrawn.

Poor-Law (Ireland).] Mr. *William S. O'Brien* said, that whatever indulgence he might feel it necessary to bespeak on his own behalf, in submitting the statement which he was about to make, he was sure the House would not think that any apology was required from an Irish Member, for inviting its attention to the subject which he had undertaken to bring under its consideration. Even those who were least acquainted with Ireland, must be aware that in some parts of that kingdom, there prevailed, at that moment, open resistance to the Irish Poor-law—that a few months since, blood had been shed in the attempt to collect the rate—the blood of the very peasantry for whose benefit this law was enacted. Nor was this discontent confined to the humbler classes of society. Meetings had been held in different parts of the kingdom, for the purpose of petitioning against the Poor-law, at which, almost for the first time, Conservative gentlemen and Roman Catholic clergymen, were found moving and seconding the same resolutions, condemnatory of the present system. Some of the boards of guardians, if they had not openly refused to administer the law, had, at least, practically suspended its operation. Under such circumstances, it surely was the duty of that House to lose no time in endeavouring to ascertain what was the cause of such an universal concurrence of opinion in opposition to the Poor-law, and what remedy ought to be provided to meet so great an evil. He would take upon himself, with confidence, to assert, that the unpopularity of the law was not to be traced solely to an unwillingness on the part of the population, to contribute by way of taxation to the relief of the poor. At almost every meeting which had been held in Ireland, the same resolutions which condemned the present system, affirmed the necessity of a provision for the relief of the poor—and though, undoubtedly, individuals availed themselves of the present outcry, in the hope of being able to escape from contribution, in any shape, for the maintenance of the poor—he was persuaded, that the general opinion of the country was strongly pronounced in favour of the principle of a well-regulated Poor-law. He must also say, that even those who were most opposed to the present law, when it was enacted had manifested an earnest desire to give it a fair trial. If, then, the result of this trial had been to occasion universal condemnation of the system—that result was, in his opinion, to be attributed to faults in the administration, and to defects in the law itself. It gave him pain to say anything which could hurt the feelings of individuals; but he was bound to declare, as the opinion of his constituents, and as the result of his own observation, that much of the discontent which now prevailed, was to be attributed to the conduct of the Poor-law commissioners. At first, little objection was felt to the appointment of a central commission. Although the powers delegated to the commissioners were deemed excessive, yet all felt the necessity of some central agency to put the system in motion, and many thought, that even as a permanent portion of the institution, a central board would be useful in guiding, assisting, and in case of abuse, in checking the local administration. If, therefore, the central commission had lost the confidence of the country, it was because the commissioners had wanted almost every qualification which they ought to have possessed. Upon their first appointment, some jealousy, not unnatural in a sensitive people, was felt on finding that the administration of the Poor-law was to be confided almost exclusively to persons unacquainted with the feelings, the habits, and the institutions of Ireland. This jealousy, however, would have been easily soothed, if the commissioners had shown a disposition to defer to public opinion, and to carry the law into operation, as much as possible, in accordance with the sentiment and intelligence of the country. Instead of thus conciliating public feeling they have contrived to offend, and irritate, every class of society, from the peasant to the peer. They first engaged in a quarrel with the press. The guardians of unions which embrace the large towns of Ireland, feeling their responsibility to the public, were anxious that the rate-payers and the poor should know in what manner they discharged their duties; and determined with this view, to allow reporters to be present at their meetings. The commissioners immediately interposed their veto. The guardians persisted in their determination, and having reason as well as public feeling on their side, they compelled the commissioners to acquiesce. Thus, at a very early stage of their operations, by placing themselves in a wrong position, the commissioners lost much of the moral weight and authority which ought to belong to a body invested with such unlimited powers of control. Again, they have entirely alienated a very influential portion of society—the medical profession. No one knew better than the noble Lord (Lord Eliot) how wide is the breach between the medical men of Ireland and the commissioners. The noble Lord at the close of last Session, presented to this House a bill for the regulation of the medical charities of Ireland; but although that bill proposed to substitute for the present system of presentment by which these medical institutions are supported, a more popular system of taxation; yet, because he proposed to place them under the control of the Poor-law commissioners, so effectual has been the opposition of the medical profession to this bill, that he has not even ventured to lay it upon the Table of the House during the present Session. The medical gentlemen of Ireland are universally imbued with the notion, that the Poor-law commissioners had studied to degrade their profession. He would illustrate the sort of spirit in which the commissioners had dealt with the profession, by a single example which had fallen under his own observation. The board of guardians, of which he was a member—Newcastle union—when called upon to appoint a medical officer to the workhouse, had unanimously selected a gentleman of high professional qualifications and of unexceptionable character, resident in the town in which the workhouse is situated. They allotted to him a salary of 50*l.* per annum—an amount, in their opinion, affording very inadequate compensation for his labour, as he was required to attend every day throughout the year at a workhouse capable of containing 600 paupers, where he would have to visit and prescribe for a number of patients, varying from twenty to fifty per day. This amount of emolument would give about 2*s.* 9*d.* for each such daily visit to the workhouse. Instead of confirming the decision of the guardians, the commissioners directed them to advertise for a medical officer, at a lower salary. The guardians refused to appoint any one else, or to diminish the amount; and, after three or four months correspondence, the commissioners were compelled to acquiesce in the appointment made by the guardians. They have been equally successful in offending the country gentlemen and the middle class of society. In almost every part of Ireland the guardians have had reason to complain of their vexatious and meddling interference with respect to those matters which properly belong to local administration, and of their peremptory, not to say insolent dictation, in regard to such affairs as were specially entrusted to the control of the central commission. Their name has become not less obnoxious to the poor. It is well known, that under its best form, the workhouse system is not a mode of relief acceptable to the feelings of the poor. They might naturally, however, have been led to look to the commissioners as protectors, who were anxious to secure to them the full benefit intended by the law. Instead of being regarded in that capacity by the poor, the commissioners are known to them only as an authority which intervenes to curb whatever kindly dispositions may be evinced towards them by thelo cal guardians. Now, with regard to one department of their conduct, which directly affects the comfort of the poor, he would distinctly charge the commissioners with presenting to the board of guardians, a scale of dietary, insufficient to satisfy the cravings of hunger. His attention had been drawn to this part of their administration, by finding in the Rathkeale workhouse, a very general complaint amongst the inmates, that they did not get enough to eat, and also by discovering that this circumstance was used as a pretext by professional beggars for continuing to beg rather than to go into the workhouse. Upon inquiry he found, that the dietary proposed by the commissioners, for healthy paupers, was considerably below the dietary allowed in the prison of the county. Upon comparing it with the dietary actually in force in some of the other unions of Ireland, he found that the scale of the commissioners was greatly lower than that allowed by the guardians. Under these circumstances he felt it to be his duty, to submit to the Rathkeale board of guardians, the dietary adopted at the workhouse of Londonderry. Upon considering the great difference which existed to the disadvantage of the paupers in the Rathkeale workhouse, the guardians determined slightly to increase the allowance—raising it to that which had been adopted by the guardians of the adjoining union of Newcastle, upon their own responsibility. A letter signifying disapproval was soon after despatched by the commissioners, and at a subsequent period one of the guardians having given notice that he would propose that the Rathkeale dietary should be raised to that scale which was in force in the Limerick workhouse, the commissioners anticipated this motion by intimating their disposition to withhold their consent to such an increase. Thus, in three neighbouring unions, there were three different scales of dietary—that proposed by the commissioners, giving rise to complaints of its inadequacy—that adopted and enforced by the more resolute boards of guardians, giving full satisfaction to the inmates of the workhouses. An instance of the spirit in which the authority of the commissioners had been employed, and of their consequent unpopularity among the poor, was afforded last Christmas at Limerick. Every one knows that even the poorest persons in Ireland endeavour to procure a dinner of meat upon Christmas day. The guardians of the Limerick union resolved that this indulgence should be granted to the inmates of the workhouse on Christmas day — the only occasion during the year on which the pauper tastes meat. By the next post a letter of rebuke was received from the commissioners. Concern for the interest of the rate-payers was the pretext used to justify this interposition. Now, if the poorest rate payers in the union had been individually asked their opinion not one would have objected to the concession of this trifling indulgence to the persons sustained at their expense. The guardians, naturally indignant on finding that the commissioners professed to speak the sentiments of the rate-payers more correctly than themselves —their selected representatives—treated the communication with the contempt it deserved. But, whilst there had been this vexatious quibbling about small sums dispensed by the guardians to promote the comfort of the poor, public feeling has been irritated by observing that the central board has in no case interposed to prevent the most lavish expenditure by their own officials. An opinion is very generally, though erroneously entertained, that the salaries of the commissioners and assistant-commissioners are defrayed out of the local rates—and the undue amount of these salaries is a topic of frequent complaint. Members of this House know very well that this portion of the expense of the Poor-law administration is defrayed by way of annual vote out of the general revenues of the United Kingdom. It will, therefore, be for the Member for Montrose to question the propriety of making such handsome allowances, reinforced by the assurance that the Irish people are of opinion, that if these salaries were paid out of the poor-rate, they would bear considerable reduction. But it is chiefly in their expenditure upon the workhouses, that the commissioners have been charged with reckless extravagance. By the Irish Poor-law, the commissioners alone were rendered responsible for the erection of the workhouses, uncontrolled by any authority representing those who are ultimately to pay the cost of their erection. In execution of this part of their duty, they have expended above 1,200,000*l.* This large sum has been laid out under directions of an architect who was brought over from England, and who appears to have been wholly unacquainted with the prices of work in Ireland, and to have been in other respects very incompetent. About the taste of his designs, it is not necessary to raise a question. The order of architecture is a sort of spurious Elizabethian. In the opinion of those who are most capable of forming a judgment, it is considered a very expensive style of building; and it is obvious to every one conversant with the details of such institutions, that, for the purposes of internal arrangement, a less eligible plan could scarcely have been devised. It is impossible in these buildings, to adopt a proper classification of the inmates; and, if infection is once introduced, it can scarcely fail to spread through the whole establishment. The first step towards the erection of the workhouses was the purchase of sites. The commissioners do not appear to have thought it desirable to take the opinion of the guardians with respect to the sites, and consequently, many of the workhouses are placed in most inconvenient positions, and the sums paid for the land required, have been, in the highest degree, exorbitant. For an example to illustrate this allegation, he would refer the House to some papers printed last Session, with reference to the union of Lowtherstone, from which it appears that the commissioners paid for the site of that workhouse at least three times its real value. A similar complaint has been advanced in a petition presented this Session, in which it is stated, that the ground required for the workhouse at Mountmellick might have been obtained for one-fourth of the amount paid by the commissioners. It is only necessary to refer to the tables in appendix E of the report of the Poor-law commissioners for the year 1842, to perceive that there is abundant reason to suppose that the same wasteful extravagance has been committed in many other places. Surely allegations of this kind are fit subjects for inquiry before a committee of the House of Commons. In like manner there has been much complaint as to the defective and expensive manner in which the buildings have been executed. In his own neighbourhood a case had occurred, which he had been requested to state to the House. The guardians of Rathkeale union had, without objection, placed in the hands of the Commissioners the amount of money which they originally certified to be necessary for building the workhouse of that union. They had reason to complain of the defective manner in which the work was executed, and delayed for some time to take up the house on these grounds. A short time after they had got into the possession of the workhouse, they were called upon by the Commissioners to borrow a large sum beyond the amount of the original loan, for the purpose of paying for extra works and of making good the defects of the building. Upon receiving the account of this expenditure, the guardians were surprised to find that the prices allowed to the contractor by the architect of the Commissioners, were much higher than those usually paid for work of a similar description. Having been requested by the guardians to make a representation to Parliament upon this subject, he had felt it to be his duty to examine in detail some of the items in this account, inspecting, at the same time, the work to which they relate; and with regard to that description of work, respecting which he was competent to form a judgement, he would confidently state, that he could get similar work better executed for one-third of the price charged under the sanction of the architect of the Commissioners. The guardians proposed to the Commissioners to ask for a report upon the work done, and the prices charged, from a local architect in whom they had confidence. Permission to this effect was granted. After making the most liberal allowance this architect reported that the amount charged by the contractors ought to be reduced by a very considerable amount, The guardians, having obtained this report in support of their own convictions refused to pay more than the amount so reduced, and objected to be called upon to make good the defects of the work executed under the original contract. After some correspondence, the Commissioners applied to the Court of Queen's Bench for a mandamus, and the guardians not wishing to enter into litigation with the Commissioners, executed the deed by which the additional loan was to be borrowed, accompanying its execution with a strong and indignant protest against this unjustifiable exaction. A similar case occurred in the union of Edenderry; in that case the guardians resisted the mandamus, and it is believed that the Commissioners will be defeated. Another department of the duties of the Commissioners which demands explanation and inquiry, is the formation of the unions. When the Poor-law was under consideration, urgent and repeated exhortations were addressed by the Irish Members, particularly by the late lamented Lord Clements, to the Commissioners, that the unions should not be marked out upon too large a scale. It was manifest to every one that guardians could not travel a distance of fifteen or twenty miles to attend a weekly meeting, and that the poor would not—in many instances could not—go such a distance upon the chance of admission to the workhouse. Notwithstanding these admonitions, some of the unions are most unreasonably large. That of Ballina, for instance, comprises an area of 792 square miles, exceeding in dimensions many of the counties of Ireland. Nor does any governing principle appear to have guided the formation of these unions, for under circumstances not very dissimilar, other unions do not comprise more than one-tenth of the area contained in the Ballina union. In some rural unions we find a population of 100,000, in others, of 20,000. Still more necessary was it to enquire with respect to the manner in which the electoral divisions in the several unions have been laid out, In this department of their duties the greatest injustice has been done; and to this cause, more than to any other, may be traced the dissatisfaction which at present prevails. It was not so much the amount of the tax (which taken in the aggregate, was inconsiderable as a per centage upon the property subject to taxation) as the inequality of the burthen that was the occasion of discontent. By the Poor-law, as originally framed, the charge of maintaining the poor was to have been defrayed in each union by an uniform rate. The subject of settlement was much discussed in the House of Commons, and, after full deliberation, the principle of an union rate was maintained. In the Lords, however, the Duke of Wellington introduced a clause, which was afterwards accepted without deliberation by the House of Commons, by which the charge of maintaining each pauper in the workhouse was thrown upon the electoral division or section of the union in which he had been resident at the time of his application for admission to the workhouse. Upon what motive this amendment was founded, it was not easy to say, but, practically, its effect was to give to the commissioners an uncontrolled command over the Poor-law taxation. It was obvious that, by so marking out the electoral divisions as to assign a great amount of pauperism to a small amount of property, they have it in their power to increase the poor-rate until it amounts to confiscation—whilst on the other hand, by assigning a small amount of pauperism to a large amount of property, the burthen of the tax may be rendered altogether insignificant. Now, as the acknowledged principle upon which the Poor-law was founded was, that the property of the country should support its pauperism, it was to be expected that the Poor-law Commissioners would so adjust the electoral divisions as to produce at first as nearly as possible an uniform rate of taxation. No such principle appears to have governed their proceedings. The result had been, that a most unjust difference exists in the rating upon different electoral divisions. An instance, taken from the county of Limerick, would furnish an example. In the electoral division of Kilfinnane the last half-yearly rate was 2*s.* 6*d.* in the pound—whilst, in a neighbouring electoral division in the same union, the rate was only twopence-halfpenny—being onetwelfth of the former amount. It was needless to observe, that such a difference would unavoidably occasion great discontent in the district so heavily taxed. He had been anxious to discover how far this difference might be traced to the manner in which the electoral divisions had been respectively formed, and he had obtained from the clerk of the union the following statement of facts:—In the electoral division of Kilfinnane there is a population of 4,437 persons, whilst the valued rental on which the poor-rate is levied, is 5,878*l.* In the electoral division of Dromin the population is 2,842 persons—the valued rental 10,395*l.* Assuming, then, that a given amount of population in each locality would produce the same amount of pauperism, there is in the electoral division of Dromin three times as much property available for the relief of pauperism as in the division of Kilfinnane. If, therefore, no other element were introduced into the calculation, the rate would, by the mere act of the commissioners, be three times as great in Kilfinnane as in Dromin. But, in point of fact, as there is always a tendency in pauperism to accumulate in towns, rather than in rural districts, a more liberal allowance of property ought to be assigned to those divisions, in which, as in the case of Kilfinnane, a town is situated. He was sensible of the difficulty which the House must have in following these details; but that very circumstance constituted an unanswerable ground for conceding a committee, by which alone they could be fully investigated. Such were some of the principal classes of complaint urged against the administration of the Poor-law by the commissioners. He should not feel himself justified in bringing before the House isolated acts, though many could be produced in support of his claim for inquiry; but before he left this part of the subject, he felt bound to ask from the Government, some explanation with respect to the dismissal or removal of Dr. Phelan, both because it appeared to him individually, that great injustice had been done to a deserving public servant, and because very great dissatisfaction had been occasioned by this act, as well amongst his own constituents, as in the mind of the public at large. He did not question the propriety of diminishing the number of assistant-commissioners, but he asked why Dr. Phelan was the individual selected for removal, without any prospect of future employment, and without any consideration for the circumstances under which he was appointed? At the present moment there were eleven assistant-commissioners in Ireland. Of these, six are English, five Irish. Of the five Irish assistant-commissioners, two are Roman Catholics. Dr. Phelan is one of the Roman Catholics, and there being at least three assistant-commissioners, junior, in the time of their appointment to him, why had he been selected for removal? Let it be remembered that Dr. Phelan was appointed on account of his ability and knowledge of the condition of the poor in Ireland. When appointed to the office of assistant-commissioner, he was in receipt of 200*l.* a-year, derived from three public institutions in the town of Clonmel, independently of a good private practice. No intimation appears to have been given to him that his tenure of office was to be of a more temporary character than that of his Colleagues. He and his family are now cast upon the world, without any consideration of his peculiar claims or past services. His constituents had directed him to ask on what grounds this had been done? Was it because Dr. Phelan was once a liberal in politics? Was it because he is a Roman Catholic? Was it because he is an Irishman?—He knew that the Government would state that it was not for any of these reasons; but he was bound to declare, that it was the opinion of a large portion of society in Ireland, that if he had been a Conservative—if he had been a Protestant—if he had been an Englishman, he would not have been so treated. The case of Doctor Phelan, who was much respected by the middle classes in Ireland, had excited general sympathy. Since his removed had been intimated, thirteen or fourteen boards of guardians had passed resolutions expressive of their esteem and approval of his conduct as an administrator of the poor-laws, as well as of their regret that he was about to be removed; and it was only an act of justice to the Conservative gentry of Ireland to say, that they had been as forward as any other class of society in this expression of sympathy. Under these circumstances, he hoped the Government would induce the commissioners to reconsider their determination, and not add to the other causes of their unpopularity the charge of having sacrificed a deserving individual to their caprice or injustice. He had now to direct the attention of the House to the defects of the present law, as a fit subject for inquiry before a Parliamentary committee. The first point for inquiry would be, how far it might be possible to abridge the power of the commissioners without impairing the efficiency of the poor-law. If any reliance could be placed upon public opinion, it might be asserted, without controversy, that the poor-law commissioners had abused the powers granted them. Those who, in the committee on the poor-law, had, as he had done, sought to reduce these powers within some reasonable limits, had predicted that such unlimited authority could not be safely entrusted to any public officers. It would be for a committee to ascertain in what respect this authority might be restrained within constitutional limits. The next point with regard to which legislation was imperatively required, was that clause in the poor-law which throws the charge of the pauper's maintenance upon the electoral division in which he has been resident. Not only is a different rule with respect to the interpretation of the word "residence" adopted in the different boards of guardians, but even in the same board the definition varies from week to week. Cases of the following kind constantly arise:—A person has lived twenty years in one electoral division, and a month in another, after which he presents himself for relief to the board of guardians —to which electoral division is he chargeable? From an opinion given by the late law officers of the Crown, it would appear that he is chargeable to the electoral division in which he has last taken up his residence with intent to remain there. It was unnecessary to point out to the House what an encouragement such an interpretation gives to the clearance of estates by landlords desirous to avert the charge arising from pauperism. Questions of this nature afforded constant subject for controversy to the best disposed and most intelligent guardians. In Limerick there had been a weekly conflict between the town guardians and the rural guardians—the former seeking to place the casual poor upon the union at large—the latter striving to allocate them upon the city district. Such a strife ought to be terminated without delay; but it was a difficult question to determine in what manner this may best be done. For his own part, he was inclined to think that would be better to return to the principle of an uniform union rate. But if this were not done, it would be desirable to form again the electoral divisions upon a more equitable principle, and enact at the same time a strict law of settlement, making the pauper chargeable upon such locality as, either from his birth or from his residence there for a certain term, may fairly be considered liable for his support. Connected with this subject there is an imperfection in the law both of England and Ireland, which occasions great injustice particularly to the towns of Dublin and Cork. As soon as an Irish pauper becomes chargeable upon an English parish, he is shipped off to Ireland, and landed in Cork or Dublin without any consideration of the length of time he has resided in England. It often happened that the pauper had lived so long in England as to have lost all connexion with any particular locality in Ireland, and therefore upon his arrival in Ireland, he is compelled either to beg in the street, or to seek relief in the workhouse. The guardians of the North Dublin Union had represented this grievance in the strongest light to the noble Lord (Lord Eliot.) He would quote, by way of illustration, a case cited by them:—

> "On the 9th of November, 1840, Bernard Manly Adams, aged seventy-seven years, and Mary his wife, aged seventy-two years, presented themselves to this board of guardians, having been removed from Wigan, Lancashire, where they had lived upwards of thirty years, sixteen years of which they rented a house, and paid poor-rates annually to the amount of 1*l*. No order of removal was sent with them, and repeated communications having taken place with the guardians of the Wigan union, no satisfactory explanation has yet been made to this board. By the English poor relief act, the payment of poor-rate, for the term of one year, gives a settlement. By the 3rd and 4th Will. 4th, c. 40, a power is given to English unions to remove paupers not having gained a settlement, to Ireland; but there is no protective power given to guardians and unions in Ireland by which they can protect themselves against illegal removals. Nor is there any mode provided by the legislature to enable guardians of unions in Ireland to remove, to England or elsewhere, paupers either sent to Ireland, or found in Ireland, and having a legal claim to be removed and allocated in England. We cannot too strongly deprecate the principle that a person who has spent his youth and manhood in England, giving to that part of the empire all the benefits arising from his trade or industry, should, when he arrives at old age, and all his manly energies weakened (having the profits arising from those energies bestowed upon the sister country), be sent back to Ireland when time has obliterated the recollection of youth, and—as in the case of Adams and his wife—leaving behind him, in England, perhaps never more to see them, forty-three children and grand-children, the dearest objects of a parent's solicitude."

He would be glad to know in what manner the noble Lord would propose to deal with such cases as these, and whether any reasonable ground could be shown why there should not be a reciprocal power of removing to England persons legally chargeable on the rates in England; or why the power of trying the legality of such removals as that of Adams should be denied to boards of guardians in Ireland. Another important question, which would become the subject of inquiry before a committee, would be, whether it be not desirable to exempt the holders of small tenements from liability to the poor rate. A general concurrence of opinion appears to prevail in Ireland, that it is not desirable to ask from those classes who are themselves on the verge of pauperism, any contribution in aid of the poor rate. Every one acquainted with Ireland knows that for several months in every year a large proportion of the labouring class are unable to obtain more than a casual day's employment; so that an Irish labourer may remain for several weeks without a shilling in his pocket. Under these circumstances, he is unable to pay the rate, however small its amount; yet, if it is not paid when demandable, his furniture must be sold, and he is driven to extremities. In some cases the rate upon small tenements is trivial to a ridiculous degree. In some unions it is stated that rates so low in amount as one farthing are demanded from the labouring class. It needed no argument to prove that those who are on the verge of destitution ought not to be subjected to any demand for poor rate; but it was a more difficult question to determine where the limit of exemption shall be fixed. The noble Lord must take care, lest in endeavouring to afford relief to the humbler classes in one way he, by the same measure, inflicts a greater evil upon them of a different kind. If the landlords be made liable for the rate upon small holdings, it was greatly to be feared that the tendency to consolidate holdings, and to get rid of the small occupiers—which tendency is already much too strong—would derive from such an enactment accumulated force. Upon the whole he (Mr. O'Brien) was inclined to think that it would be better to draw such a line of exemption as would relieve the labouring classes from liability to poor rate, and to make no demand upon the possessors of the property rated below an annual value of a certain amount, whether those possessors be landlords or occupiers. The tendency of such a measure would undoubtedly be to increase to a small amount the burden upon larger holdings, and to give a trifling advantage to those who leased their lands in small tenements; but in the present circumstances of Ireland, this tendency would have a very salutary effect in counteracting the disposition which now so generally prevails to consolidate the smaller holdings into large farms by the expulsion of the population. The exemption of smaller holdings from the rate will also take from the ranks of those who now resist the collection of the rate a great majority of the population, and throw their influence into the opposite direction in support of a law from which they may, in case of extreme necessity, obtain relief, but which in no case would impose upon them any burden. The next question for the consideration of the committee would be, whether a law to repress mendicancy, could now, with propriety, be adopted. God forbid that he should say anything tending to diminish the natural sympathy of man for the miseries of his fellow-creature, or forbid the exercise of the Christian duty of almsgiving. He was satisfied that after all the relief that could be administered in aid of want and distress, by the most effective poor-law, there would be but too abundant opportunity to the charitable of practising the virtues of benevolence; but he thought that the industrious classes of society—he spoke not of the gentry, because they could protect themselves—he meant the farmer and the shopkeeper, now called upon to pay a tax for the relief of the poor—should be protected from the importunities of the sturdy vagrant and the professional beggar. It would be impossible to enact an effective law prohibitory of public begging in all cases, unless at the same time an absolute right of relief were given to the destitute poor, but he thought that the legislature would be justified in declaring that wherever relief was offered to an individual by the guardians of any union, that individual should not be allowed to annoy the public by importunate mendicancy. Another subject for inquiry would be to ascertain why the clause contained in the poor-law relative to emigration has hitherto been wholly inoperative. Many thought, and he was one of them, that under the peculiar circumstances of Ireland, emigration to the colonies supplied the most effective resource which could be afforded to the able-bodied labourer, unable to find employment at home. In order to facilitate such emigration, a clause was introduced into the poor-law, but it had in but very few cases, perhaps in none, been acted upon. It was desirable to ascertain the reason of this failure. This he was persuaded would be found in the defective structure of the clause itself. The next step would be to apply the proper remedy by efficient legislation. It was also desirable to consider whether something might not be done to render valuations under the poor-law more uniform. At present the standard of valuation varies in every union. In some unions the valuation very nearly represents the rents actually paid, whilst in others it is framed upon a standard 30 per cent. below the actual rent. As the proportion of the rate borne by the landlord varies according to the valuation, it thus happens that a much larger proportion of the poor-rate falls upon the landlords in some unions than in others. The necessity of insuring a more perfect uniformity will be felt in a still greater degree, if it should ever be proposed to raise taxes upon the poor-law valuation, which shall extend to more than one union—or to make the Poor-law valuation the basis of the franchise. The committee would also have to consider, whether the injustice committed when the Poor-law passed, in exempting jointures and annuities from liability to poor-rate, might not now be redressed. The amendments hitherto enumerated were applicable to the defects of the present law, even though its essential character should be preserved; but these amendments were of trifling importance, compared with the great question—whether the restriction which limits relief to the poor in Ireland to the exclusive medium of the workhouse, should be in any degree relaxed. The workhouse system had been tried, and condemned by the opinion of the country, as the most expensive mode of administering relief to the poor, and the least acceptable to the feelings of all classes of society. It was instructive to consider the history of the proceedings, by which this system was imposed upon Ireland. Of those who had advocated a provision for the poor in Ireland, before its enactment by the Legislature, not one, he believed, had recommended the erection of workhouses. The commissioners of poor inquiry, amongst whom were to be found some of the ablest men in Ireland, after a three years' inquiry, reported specially against the adoption of the workhouse system, as a means of administering relief to the poor of Ireland. Their recommendations and admonitions were treated as waste paper, and the task of preparing a Poor-law for Ireland was delegated to Mr. Nicholls. After a six weeks' tour through Ireland, a country with which he had no previous acquaintance, he produced a showy report, in which he recommended that Ireland should have a Poor-law, but that relief should be exclusively administered through the workhouse medium. His suggestions were adopted in almost every particular, and in conformity to them, Ireland has been encumbered with a debt of more than 1,200,000*l.*—a sum exceeding by 500,000*l.* the original estimate of Mr. Nicholls. He would venture to say, that if the representatives of Ireland had asked for the loan of half that amount, to be applied to public works, tending to develope the profitable industry of the country, they would have been met with a contumelious refusal. He might be allowed to say a few words with respect to the part which he had himself taken with reference to the enactment of this law. It was now twelve years since he first introduced a measure for the relief of the poor in Ireland. The bill which he had brought in during the year 1831, limited relief by way of domiciliary allowance to the aged, helpless and infirm, or impotent poor. He had suggested that provision should be made for the able-bodied poor, by means of emigration, by a better employment of the funds applicable to public works, and by measures tending to encourage the reclamation of waste and improvable lands. When the Government Poor-law was under discussion, he had earnestly and repeatedly, but in vain, exhorted that reliance should not be placed exclusively on the workhouse system, as a means of administering relief to the Irish poor. He now again asked the House to modify that system, and he came forward with that request, reinforced by the public feeling of Ireland, which, after trial, had condemned the existing Poor-law as unsuited to the circumstances of that country. There was little doubt, that if the Government would undertake to relieve Ireland from the debt incurred in the erection of the workhouses, the best friends of the poor of Ireland, as well as the antagonists of all Poor-laws, would gladly surrender them and commence legislation *de novo* for the relief of the poor. But as this could not be done, they must consider to what extent the workhouses might be rendered available for the legitimate purposes of a Poor-law. Now, he was prepared to admit that in England, where an absolute right of relief is given to the destitute poor, it might be necessary to have a test of destitution—and that the workhouse properly administered might be advantageously used as such a test; but it must be remembered, that in England it is not used as the main channel of relief to the poor, inasmuch as six-sevenths of the whole number of the destitute receive outdoor relief—whereas in Ireland, where no right of relief is given to the poor, but subject to the discretion of the guardians; and where, therefore, a test of destitution is not imperatively required, the workhouse is made the sole channel through which the necessities of the population can be relieved. He would admit also, that if the workhouse be viewed as a penitentiary, it was a fit receptacle for the idle vagrant, and, if viewed as an asylum, it was a desirable place of abode for such of the sick poor as required medical supervision. There were also many individuals among the destitute classes who, being utterly friendless and helpless, would prefer reception into such an asylum, to out-door relief. On the other hand, there were other classes for whom it was wholly unsuited. He would take the case of an aged couple who had lived together for thirty or forty years—of excellent character, of industrious habits—perhaps even so thrifty as to have saved such a pittance as their slender earnings would allow—yet, by increasing infirmities, finding themselves gradually stripped of their little store—they are compelled to throw themselves upon the poor-rates for maintenance throughout the remainder of their days. He considered it an act of cruelty to persons so circumstanced, instead of affording, at a less expense to the public, such a sustenance as would enable them to enjoy a cheerful old age by their own fireside, to immure them within the dismal walls of a workhouse, and to compel them to undergo what—in this world, at least—is little short of eternal separation. Take, again, the case of widows with families: when the mother and children are incapable of earning their own subsistence, the workhouse is not the proper abode for a family so circumstanced. You want no test to establish their destitution. Why, then, compel them to accept relief on terms, the first condition of which is that the mother shall be separated from her children. In the Irish workhouses, except on special occasions, the mother is permitted to see her children only once a-week. Could a system deserve to be upheld which thus strikes at the root of maternal tenderness? And, with regard to the expense, compare the relative cost of out-door and in-door relief. A poor widow, in Ireland, with five children, would consider herself well provided for, if she were secured an allowance of 3*s.* per week, with the chance of such little earnings as she might pick up at home. You compel her to go into the workhouse, and her family there costs at least 2*s.* 6*d.* per head per week, or 15*s.* for the whole family—so that, by the substitution of out-door for in-door relief, in cases of this kind, you would be enabled to assist, at the same expense, five times as many persons as the workhouse enables you now to relieve. Neither is the workhouse a desirable receptacle for orphan children. The mortality of infants in these buildings is fearful. This mortality was so great in the North Dublin Union as to attract attention, and public feeling on the subject was only soothed by the appearance of a report, in his opinion wholly unsatisfactory, by which it was endeavoured to show that the mortality was not greater than in any equal number of the infantine population elsewhere. But, however this might be, the workhouse must always be an exceptionable abode for children. Immured within its walls, they are denied all the natural pleasures of youth. Their literary education may be advanced, but they breathe a tainted moral atmosphere. There was no part of the workhouse system which caused more ground for apprehension than that which had reference to the condition of children. When all the workhouses in Ireland were full they would contain from 20,000 to 30,000 children. What was to become of these children when they arrive at maturity? The boys might possibly—probably, if you please—acted upon by the natural energy of manhood—emancipate themselves from the confinement of the workhouse. But there was no such hope for girls. In a country such as Ireland, where there is an excessive supply, as compared with the demand for labour, no one will go to the workhouse to look for female servants. The associations of the workhouse are unavoidably of such a nature, that it is scarcely possible for them to escape contamination. At all events, a few cases of depravity will give a bad name to the female inmates of the workhouse; and unless some vigorous measures of precaution be taken, the same result will take place which was experienced in the House of Industry of Ireland—female paupers will be born in the workhouse, and live in the workhouse throughout the whole of their wretched life. It would be far better at once to adopt the system which was found necessary with respect to the foundlings in Dublin. Let the children, when infants, be placed in the family of some respectable cottager, to whom an allowance with such a child—far less in point of amount than its maintenance would cost in the workhouse—would be a sufficient inducement to undertake its care. Let measures be taken to secure the education of such children, and they would in this way become familiarised with the occupations of life, and qualified to take their place in the social scale when they arrive at the age of labour. Having now stated the grounds upon which he moved for this committee, and the object to which their inquiries would be directed, it remained for him to notice the only plausible objection which could be urged against its appointment. It would be said that the Government themselves are about to undertake legislation on the subject. He wished it to be understood, that in asking for this committee, it was by no means his desire to absolve the Government from the responsibility of grappling with such of the defects of the present law as they felt themselves in a condition to correct by immediate legislation. But he had no expectation that they would propose such measures as would satisfy the just demands of public opinion, or effect any substantial improvement in the law. The noble Lord (Eliot) had distinctly told the House that he did not intend to propose any fundamental change. He spoke also of inquiries in progress by the Government, but there was too much reason to fear that these inquiries would be addressed chiefly to these very commissioners whose administration had been so loudly impeached by the public voice of Ireland. His object in moving for this committee was to afford an opportunity of sifting the accusations which had been brought against the commissioners, and of ascertaining how far they were well-founded, how far exaggerated. He was also desirous that the defects of the law should be subjected to a closer scrutiny then could be applied to them in that House, and that a number of intelligent Gentlemen, experienced in the operation of the law, should unite for the purpose of considering how they might best be amended. In asking the House to take this course, he was supported by the precedent of the course taken in England with reference to the English Poor-law Amendment Act. In the year 1837, three years after the enactment of the English Poor-law Amendment Act — a committee was appointed to inquire into the operation of that law, and from the labours of that committee there resulted many useful suggestions. The Irish Poor-law was confessedly an experiment: it was surely now time to inquire how that experiment had succeeded. Before he sat down he hoped it was unnecessary for him to disclaim any party motive in bringing forward this motion—nor was he conscious of any personal motive. He could with truth say, that no one would have felt more gratified than himself if the Poor-law had been found to answer the end for which it was designed, and to give general satisfaction. It had long been a source of pride to him to have been an earnest advocate for a provision for the poor, when very few were found disposed to support such a proposal. It was true that the measures which he had suggested were very different from those which were ultimately adopted, but, although he had laboured, ineffectually, to introduce such alterations into the existing law as would have rendered it, in his opinion, acceptable to the country, he had been disposed to think that this imperfect measure was better than none at all. Even still, he rejoiced that the principle of a provision for the relief of the poor was implanted in the institutions of the country, because he felt assured that it never could be eradicated, and that it would work out its own amendment. It was, therefore, as a friend to the principle of a Poor-law, and not as an antagonist — that he asked for such modifications of the present law as would make it a blessing instead of a curse, to the people of Ireland. He must confess that from the Government he expected no support. He knew too well how little impression was produced upon the British Government by the action of public opinion in Ireland, however unanimously expressed. But he would appeal with more confidence to the Irish Members of every party, and to the House at large. He would not suggest to the Irish Members that from every part of the kingdom the demand for a searching inquiry had been reiterated, and that, therefore, in voting for this motion, they would comply with the wishes of their constituents. But he would apply himself to higher motives. He would remind them that their first duty, as possessors of property, is to those by whose labours that property is rendered valuable—and that everything which raises the condition of the working classes, tends to give security and enhanced value to that property. He would remind them that the condition of the poor in Ireland is still most deplorable—disgraceful to a civilised community. If, therefore, the present law had failed to produce the results expected from it by some, that failure, instead of inducing apathy or despair, ought rather to serve as incentive to renewed exertions. In his opinion the causes of that failure lay upon the surface and might easily be discovered, and an effective remedy might be speedily applied. But, whether such were the case or not, he trusted that the House, with benignant solicitude, would never desist from further inquiries and continued efforts, until the condition of the poor of Ireland should be placed upon a footing more consonant to the rights of our common humanity, and less discreditable to the legislation and government of that country which, in regard to philanthropy, claims the first place among the nations of the earth. The hon. Member concluded by moving—

"That a select committee be appointed to inquire into the manner in which the act for the relief of the poor in Ireland (1st and 2nd Vic. c. 56) has been carried into operation; and also as to the results of that measure upon the condition of the poor, and of society at large in Ireland, with power to report their opinion to the House, in reference to any modifications of the Poor-law which may appear to them desirable."

Lord *Eliot* had listened with great attention to the very able and moderate speech of the hon. Gentleman who had just sat down. He was sure that the hon. Gentleman was actuated by the purest motives, and that he really believed the course he proposed was one from which benefit to the people of Ireland would result. He knew that this subject had long engaged the attention of the hon. Gentleman, for in 1831, he had brought in a bill which led to the introduction of the poor-laws into Ireland. The object of that bill was to enable parishes by a voluntary assessment to support their poor, but he would only further remark upon it, that that assessment was to be made on four days in each year, viz., the 25th of February, the 25th of May, the 25th of August, and the 25th of November, unless any of those days should fall on Good Friday or Christmas-day. He begged to remind the hon. Member that the poor-law now in force in Ireland was not a measure which had originated with the present Government. With regard to himself he abstained altogether from giving his vote. He felt that his knowledge of Ireland would not enable him to pronounce upon a question of so much difficulty; and he therefore did not vote upon the subject. The right hon. Gentleman now at the head of her Majesty's Government, he thought, gave rather a doubting vote; though he thought some measure was necessary for improving the condition of the Irish people—a condition which should not be tolerated in any civilised country. He did not know whether the noble Lord, the Secretary for the Colonies, took any part in that debate, but he knew that that was also his feeling on the subject. He did not boast of not voting upon that question, but he mentioned that circumstance to show that there was no feeling of predilection or prejudice on the part of the Government. With respect to the commissioners, upon whose conduct the hon. Gentleman had animadverted perhaps with undue severity, he had no acquaintance whatever with those Gentlemen until he went to Ireland. They were appointed, not by the present Government, but by political opponents; but he was bound to say, as a public man, that the result of his intercourse with the gentleman who had the chief administration of the poor-laws in Ireland had convinced him of his singleness of purpose and his zeal, and that he was actuated by a sincere desire to do his duty. He would not go so far as to assert that that Gentleman had committed no errors—that he would not attempt to maintain, but if the hon. Gentleman would move for the papers relative to the matters in which Mr. Nicholls was concerned, there would be no opposition to their production on the part of the Government, and he was sure there would be none on the part of that gentleman himself. Now the hon. Member had begun his speech by saying that the dissatisfaction in Ireland upon this measure was universal. To that he could not give his unqualified assent. He had had communications from many persons in that country—amongst whom was his noble Friend Lord Clancarty, one of the best landlords in Ireland, and one who had been a most active guardian from the first promulgation of the law. He was aware that that noble Lord did think that in order to satisfy the public mind some alteration was necessary, but he declared that upon the whole he thought the bill worked well in his neighbourhood. The hon. and gallant Member for Wicklow had also spoken of the satisfactory operation of the law in his neighbourhood. But he would speak of another authority of great weight—a person whose unbounded beneficence and kindness of heart were acknowledged by all—as well with those who agreed with him, as those who differed from him in political opinions. He spoke of the Lord Primate of Ireland. The opinion of that right Rev. Prelate upon a question that affected the interests of the lower classes of Ireland was entitled to great deference. He, during the last year visited Armagh; he there visited the Union-house of Armagh, in company with the Lord Primate, and his testimony was most satisfactory. The primate assured him that the law worked well in that part of Ireland, and certainly he could bear his testimony to the admirable arrangements of that House, which was immediately under the Primate's superintendence. He had also received from the guardians of several unions letters speaking of the satisfactory operation of the law, and which, with permission of the House, he would now advert to. The first was from the Chairman of the Dunmanaway board, which bore testimony to the efficient working of the law in that district, and stated that a rate of ten pence in the pound would be sufficient for all purposes. He had also one from Monaghan, stating that nothing could be better than the working of the Poor-law there. There was also one from Kilrush, and all showed that the dissatisfaction was not so general as the hon. Member had intimated. No longer since than that morning he had received a copy of a resolution agreed to by the North Dublin union, which was to the effect that, inasmuch as a petition was prepared and about to be presented to the legislature, complaining not only of the abuses and defects of the present Poor-law, but also of the principle, and praying for a repeal of the law itself, that board thereby fully recognised the principle of the law and testified to its efficient working. He did not attempt to deny the fact of the dissatisfaction existing altogether, he merely wished to say that the statements of its extent should be received with some degree of allowance. He asked hon. Gentlemen to consider to what cause they were to attribute the dissatisfaction that existed. He saw two causes. The first was, the defects in the existing law, which the Government acknowledged, and to which they were endeavouring to apply a remedy by a bill which they were about to present to that House; and as the Government had announced that intention, he thought that the House would do well to suspend their judgment until the measure was brought under their consideration. The hon. Gentleman pointed out the defects in the existing law, and adverted to the remedies he was prepared to recommend; but he should not do well to forestall the discussion that would take place on the introduction of a measure by the Government, and he would, therefore, abstain from following the hon. Gentleman into that part of the subject. He had said that he thought there were two causes for the existing dissatisfaction. The first he had just stated; the other was the gross and, what he thought most unjust, misrepresentations that had been made. Now, he held in his hand a statement of facts, which, with permission, he would read to the House. It was read as follows:—

Heads of expenditure, during the year 1842, taken on an average of the returns from thirty-three unions, the workhouses of which contained 14,741 inmates, average in each house 477—

Cost of maintenance and clothing of paupers, charged upon the electoral divisions	£2,033	8	6
Ditto, charged upon the union at large	327	8	8
Total	£2,360	17	2

It had been said that the salaries formed the main part of the Poor-law expenditure, so far from it he should show how fallacious that was—

Salaries of officers and servants, including masters, matron, &c.	£353	3	5
Instalment of workhouse loans repaid	190	14	10
Other articles charged upon the establishment, furniture, &c.	952	2	7½
Total	£3,856	18	0½

so that the whole average annual expenditure for each of the unions having been 3,856*l.* 18*s.* 0½*d.*, the salaries of officers and servants being 353*l.* was therefore about ten per cent., or 2*s.* in the pound, or 1¼*d.* in the shilling. The other charges being about 952*l.*, about 25 per cent., or about 5*s.* in the pound, or about 3*d.* in the shilling; thus the total cost of these thirty-three unions in 1842 amounted to 127,248*l.*; the net annual value of rateable property in these thirty-three unions was 4,630,465*l.*; average in each union 140,317*l.*; therefore the expenditure, namely, 3,856*l.*, had averaged 23¼ per cent. on the valuation, or 7*d.* in the pound. There were 130 unions in Ireland; the workhouses when finished would contain 93,960 inmates, giving an average for each house of 723. At present, however, the average in each union was only 447 inmates supported at a cost of 3,856*l.*, the 130 unions averaging the same number of inmates, would be 501,280*l.* assuming the total net value of rateable property in Ireland at 14,375,323*l.* the cost therefore of 130 unions, averaging 447 inmates, would average 3¾ per cent. on the entire valuation, or about nine-pence farthing in the pound. The annual cost of each union averaging 723 inmates (the highest average) would be 5,291*l.*; cost of 130 unions, at the same rate 687,830*l.* assumed total net value of rateable property in Ireland, 14,375,323*l.*; therefore the cost of 130 unions, averaging 723 inmates would be 4¾ per cent. on the entire valuation, or about 1*d.* in the pound, pretty nearly the point at which it had been fixed by Mr. Nicholls, whose original estimate had not thus been wide of the mark. Now, as to the character of the Irish workhouses, he was bound to speak most favourably so far as he had opportunities of examining them; he had found them better built, and erected at smaller cost than in England, admirably managed as to classification, arrangement, and discipline—and altogether, perhaps, on a better footing than in England. The total number of paupers in 93 workhouses, in January, 1843, amounted to 35,112, consisting of the following classes:—

Men	7,134
Women	11,543
Boys under 15	7,881
Girls under 15	6,669
Infants under 2	1,885

The number of workhouses declared fit for reception was 110, and multiplying this number (110) by 723, the highest average number of paupers in each house and that would give the amount of workhouse accommodation now available at 79,530 paupers. The cost of maintenance and clothing per head, per week, including hospital diet, in the two Dublin unions, was 2*s* 2¾*d.*; in Edenderry, 1*s.* 10¼*d.*; Castlederg, 1*s.* 8½*d.* Strabane, 1*s.* 11*d.*; Omagh, 1*s.* 9*d.* The annual cost of each pauper, at 2*s.* per week, would be 5*l.* 4*s.* He held in his hand a small statement to show how much the poor-house had acted as a relief at periods of great pressure and distress. He was persuaded that these establishments had proved of the greatest benefit in Ireland, and he was sustained in this view of the case by a reference to the number accommodated in the months in which the pressure on the following population was the greatest. The noble Lord then read the following statement, showing the numbers in the workhouses increased during the season of pressure in July and August, and lessened as the distress subsided. The number in

May was	20,530
June	23,389
July	28,236
August	29,570
September	22,536
October	21,564

So that, without overflowing the workhouses, it was clear that they did afford an asylum to large numbers of people in the very exigence of distress. The workhouse test, then, had been applied with great advantage. Men would rather go into the house than starve; yet the Irish labourer would not go in when he could possibly gain a livelihood otherwise; and this was just the result contemplated and desired. The diet in the workhouse was, generally speaking, nutricious and wholesome, indeed delicate persons had been restored to health by it, and the clean and healthy state of the inmates attested the good effects of the *regime.* At the same time it was gratifying to observe (as he himself had done) the progress made under the judicious instruction administered to the young, who were every where well affected and orderly. He had himself examined many of the children, and had been surprised at the progress made by them under the judicious instructions of their schoolmasters. In fact he looked on these workhouses as a great boon to the country, and the cleanliness and discipline there enforced must have a beneficial effect on the general character of the people. The hon. Member had adverted to the appointment of the assistant commissioners, and the dismissal of Dr. Phelan. But it should be recollected that that was a matter with which the Government had nothing to do, as the appointments were made by the central board at Somerset House. He had found the facts connected with the dismissal of Dr. Phelan to be these. It was, of course, an object to lessen the expenses as much as posssible, and it was, therefore, decided to reduce the number of persons receiving pay, particularly the assistant commissioners. In the case of Dr. Phelan, his dismissal had not the slightest reference to religious or political feeling. The fact was, that Dr. Phelan was the only assistant-commissioner who had not the charge of a district. He had been engaged for a particular service in 1840—namely, to prepare a report on the subject of medical charities in Ireland. That report was completed in 1842, and from that time to the present Dr. Phelan had not had charge of a district. He thought it but natural that when a reduction in the number of assistant-commissioners was contemplated, that gentleman should be selected who had not charge of a district. It appeared that three of the commissioners retained were Dr. Phelan's juniors, and, it was alleged, of different opinions. Until his (Lord Eliot's) attention had been directed to the subject he was not aware of that fact or what their religious opinions were; but, having made inquiries, he had ascertained that Mr. Bourke was a Roman Catholic, and that Messrs. Muggredge and Otway were Protestants —the latter being an Irishman. All these had charge of districts. Although the religious question had been brought to bear on these appointments, and had excited a strong feeling in Ireland, he believed that it had not once crossed the minds of the chief commissioners. The hon. Member should be aware, that during the time the late Government were in office, the commissioners were attacked, particularly Mr. Nicholls, for being warm partisans; but now the attack came completely from the opposite quarter. He thought there could be no clearer proof that they had not been actuated by political or religious feeling. He could only say this much, that, after all the inquiries he had made into the circumstances of the case, he had been led to believe that it required and deserved the most dispassionate consideration of the Government, and if it was in the power of his right hon. Friend, or any other Member of the Government, to provide any other employment for that Gentleman, he was sure his right hon. Friend would cheerfully do it. He had read his report upon the Medical-charities Bill with great pleasure, although whether it were correct or not, he could not take upon himself to say; but it was quite clear that he had discharged that as well as his other duties with a great deal of ability. The hon. Gentleman opposite had stated that the duty of building the workhouses in Ireland had devolved by law upon the Poor-law commissioners, and that they could not, without a breach of their duty, delegate that power to any other parties. In one of the reports made by Mr. Nicholls, the Poor-law commissioners stated that they were anxious to transfer that duty to the Board of Works, but that there were legal difficulties in the way—these duties having devolved upon them by law, they were compelled to discharge them. As he had already stated, he believed in his conscience that these duties had been honestly and faithfully discharged, and that the great expenses now complained of were incurred at the special recommendation of the boards of guardians. With respect to the sites of the workhouses, in many instances difficulties were thrown in the way by the landed proprietors, and if the sites were not always the best that could be obtained, it was not the fault of the Poor law commissioners. He could not be expected to follow the hon. Gentleman throughout the whole of his statement; but with regard to the Lowtherstone workhouse, he must say, that in that affair, the hon. Gentleman was rather hard upon the assistant commissioner. It was somewhat unfair to taunt him with having made a bad bargain, when the gentleman from whom he purchased the site was chairman of the board of guardians, and, if that gentleman had taken advantage of his situation to exact more than he was fully entitled to, the blame ought certainly to be attached to him. The assistant Poor-law commissioner might have shown some indiscretion in the affair, but he thought on the whole, that he was justified in assuming, that the chairman of the board of guardians had not acted in a fair and proper way. It was not necessary, on the present occasion, to advert to the history of the passing of the measure in that House, but he would remind the hon. Gentleman, that to the principle of the measure no objection had been urged. Upon the second reading of the bill, in 1838, no division took place, and the majority which objected to the third reading of that measure, which afterwards became the law, was very inconsiderable. He thought that there was no man who looked back to the state of Ireland some years ago, who read the reports of the commissioners of poor inquiry, and read the works of travellers in Ireland—he thought there was no man who had listened to what had been said or read what had been written on the subject, but must be convinced that it was the duty of the House and of Parliament to interpose with some provision for the destitute poor of Ireland. He did not agree with the hon. Gentleman in his proposition respecting out-door relief—he believed that the providing of out-door relief would be fatal in its consequences, and ultimately destroy the property of the country. The hon. Gentleman entirely mistook the object of the poor-law; it was not to prevent poverty, but to prevent the possibility of any individual dying of want, and the only test that it was practicable to apply was that which had been found to work well in that country (England), and which he maintained had been successfully applied in Ireland. He would not fatigue the House by reading extracts from the papers which had been laid before the House on that subject; but there was one which the hon. Gentleman had made it necessary for him to refer to, namely—the report of the commissioners of Poor-law inquiry in 1836. It would appear that they objected to the workhouse system in Ireland, and he was ready to concede that to the hon. Gentleman; but what did they say:—

> "We have shown by our second report that the institutions existing in Ireland for the relief of the poor are houses of industry, infirmaries, fever hospitals, lunatic asylums, and dispensaries—and the establishment of these, except as to lunatic asylums, is not compulsory, but dependent upon public subscriptions, or the will of grand juries—that there are but nine houses of industry in the whole country—that while the provision made for the sick poor in some places is extensive, it is in other places wholly inadequate, and that there is no general provision made for the aged and impotent, and the destitute. Much is certainly given in Ireland in private charity, but it is not given in any organised system of relief, and the abundant alms which are bestowed in particular by the poorer classes unfortunately lead, as we have already observed, to encourage mendicancy with its attendant evils. Upon the best consideration which we have been enabled to give to the whole subject, we think that a legal provision should be made for rates levied as hereinafter mentioned for the relief and support of incurable as well as curable lunatics, of idiots, epileptic persons, cripples, deaf and dumb and blind poor, and all who labour under permanent bodily infirmities, such relief and support to be afforded within the walls of public institutions."

He confessed he could not see the difference.

> "Also for the relief of the sick poor in hospitals, infirmaries, and convalescent establishments, or by extern attendance, and a supply of food as well as medicine, where the persons to be relieved are not in a state to be removed from home; also for the support of emigration, for the support of penitentiaries to which vagrants may be sent, and for the maintenance of deserted children; also towards the relief of aged and infirm persons, of orphans, of helpless widows with young children, of their families, of sick persons, and of casual destitution."

The hon. Gentleman would see, that they proposed public institutions for the reception of all that class of persons, and dépôts for their relief. They went on to say, that "the expense would be enormous," and then they went on to recommend very nearly the machinery of the existing law, in these words:—

> "In order to effect the several purposes we have stated, we have recommended that there should be powers vested in the Poor-law commissioners, as in England, for carrying into execution all such provisions as shall be made by law for the relief of the poor in Ireland, and that they shall be authorised to appoint assistant commissioners to act under their directions.
>
> "On the most moderate computation, the amount of spontaneous alms given in Ireland, chiefly by the smaller farmers and cottiers, was from 1,000,000*l.* to 2,000,000*l.* sterling annually; but, being given without system or without inquiry, the good and the bad, the really destitute and the pretenders to destitution, receive alike their maintenance out of the earnings of the industrious, to the great impoverishment, and to the great injury of the good morals, and good order of the kingdom."

It appeared to him, therefore, that unless there was something like a workhouse test, out-door relief would be like the allowance system in England; and if the hon. Gentleman went into committee on the question, he would find that such difference of opinion existed on the subject, that it would be utterly impossible that the committee could agree in recommending that system which he thought best adapted to the people of Ireland. The object of the law was very distinctly pointed out by that report of Mr. Nicholls, to which the hon. Gentleman had referred. Mr. Nicholls said the Poor-law was not to prevent poverty, or to to provide work for the able-bodied, but simply to afford relief to the aged, impotent, and infirm poor. It was upon that understanding, and with a full knowledge of the objects and intentions of the Government, that the House had sanctioned the measure of 1838. It appeared to him, that the effect of a committee of inquiry would be to shake the confidence of the people of Ireland in the stability of the law, and that if a committee was appointed, the collection of any future rate would be almost impossible. It would be supposed, that the intention of Parliament as to the system of valuation had been misunderstood, and that there was a disposition on the part of Government to abandon its provisions. Further than that, he conceived that if the hon. Gentleman were to succeed in appointing that committee of inquiry, it would necessarily appear futile and absurd on the part of the Government, to introduce at the same time a bill for the amendment of the law, while a committee was inquiring into and reporting upon its operations. Even should the hon. Gentleman succeed in obtaining his committee of inquiry, he doubted very much whether, with the difference of opinion that prevailed among the Irish Members of that House, as to the operation of the law, he would be able to come to any report upon the evidence before the end of the Session, and the only effect of the committee would be to add another blue book to the immense collection of evidence which crowded the library of that House. He thought it a more becoming course, that the Government, on its own responsibility, should bring in a measure which they thought best calculated to meet the circumstances of the case—which would remedy the existing defects, and when that measure was under the consideration of the House, it would then be for the hon. Gentleman either to suggest such modifications as it would be the duty of her Majesty's Government to adopt, or on their own parts to propose such alterations in the bill as might seem to them desirable. He hoped that when the measure of her Majesty's Government had been matured, that it would tend greatly to obviate the necessity of any such motion as the hon. Gentleman contemplated, which he should, therefore, most decidedly oppose, and which he now called upon the House to reject.

Sir *Denham Norreys* was exceedingly disappointed at the way in which the noble Lord had disposed of the motion of his hon. Friend. His hon. Friend, the Member for Limerick, had quoted many cases of mismanagement, and many glaring defects in the system, and yet the noble Lord had not condescended to notice them. He hoped the noble Lord would forgive him for saying, that he appeared merely to have repeated in most gentlemanlike language and manner the statements of the commissioners, every one of these statements having been put into his hands as the opinions of the commissioners themselves, and their vindication. The hon. Member for Limerick asked for an opportunity of proving the statements he had made, where it would not be in the power of the commissioners to give whatever answer they thought proper. There was not an Irish gentleman in the present House who was at all acquainted with the working of the Poor-law who would not at once admit how delusive were the statements of the noble Lord. There was not an hon. Gentleman who was at all conversant with the law, as it was administered in Ireland, who would not state that the amount spent upon the poor was one-third or one-half of the amount levied for their relief. As to the average expenses of the workhouse, the noble Lord had stated it at 199*l.*, and he gave 139*l.* as the average of the instalments repaid; but it appeared to him that nothing could well be more fallacious than that statement. The noble Lord stated that the average amount expended for the maintenance of the poor was 352*l.*, while the average of the instalments paid for building the workhouses was 199*l.*

Lord *Eliot* had taken fourteen unions, and had shown that the average repayments of the loan to Government in those fourteen unions was 199*l.* He had stated that the charge for maintenance of the establishments was 952*l.*, and salaries of servants 353*l.*

Sir *Denham Norreys* said the union with which he was connected, athough a small one, had repaid instalments to the amount of 450*l.* He maintained that a very large proportion of the rate was not expended for the relief of the poor. That was the very point upon which he contended that investigation was necessary, and he believed, if the committee were appointed, his hon. Friend the Member for Limerick would be able to satisfy the Government and the House, that such was the case. The noble Lord had stated that the Poor-law for Ireland was called for, and supported by the Irish Members. He had been much longer in the House than the noble Lord—he had been nearly twenty years a Member of that House. With regard to the Irish Poor-laws, he would say that the question of Poor-laws was not so much that a want of them had been expressed by the Irish Members, as the continued tendency of the English Members, to force a system of Poor-laws upon Ireland. It was strongly urged that it would be expedient to place all parts of the country under the same system, the real object of the English members thereby being to alleviate their own burdens; and the question was not so much what would really be the benefit to Ireland, but what would relieve the rates of that country. When the question of Poor-law for Ireland came to be discussed in that House, it came to this merely, which system ought to be selected? As to the total expense of the workhouses not having exceeded the estimates, he was entirely at issue with the noble Lord. He denied the accuracy of that statement, because in every part of Ireland the expense had greatly exceeded the estimate. Now these were facts upon which the noble Lord was not likely to obtain correct information from the commissioners. These were points which they would be able to prove before a committee. He assured the noble Lord that he and the House would remain in ignorance upon them so long as he trusted to the reports of the commissioners, upon their own conduct and proceedings. The noble Lord, by the manner in which he had dealt with the question, had rendered it almost impossible to go through the different points to which his hon. Friend the Member for Limerick had adverted. It would have been very desirable if the noble Lord had declared what was his opinion and that of the Government, upon the different points of the Irish Poor-law —he was sure the noble Lord could not be ignorant of what was going on in Ireland; and although the Table of the House had not yet been covered with petitions, he could state that in every part of that country petitions against the operation of the law were in progress—nay, he had been given to understand that the very nobleman to whom the noble Lord had referred as a supporter of the Poor-law, had attached his signature to a petition from his own union, praying for a very general revision of the system. He believed, also, that from Dunmanway, from which the noble Lord had stated that a petition had emanated in favour of the Poor-laws, a second petition had been sent praying for a revision of the law, or its total abolition. He confessed that he did not agree in every point with his hon. Friend the Member for Limerick; but that disagreement only proved that where men were anxious to do the best they could, in a matter disconnected with party feeling—where all were anxious to make the law as perfect as possible—a committee was the very best place in which facts and evidence might might be collected and compared, and the opinions of one hon. Member be modified by those of another. But that had been altogther put a stop to, by the noble Lord. The noble Lord had not even told them what the Government meant to do on the subject. He confessed that he, for one, thoroughly disapproved of the very basis of the present Poor-law, because he thought the law should never have been extended to giving the right of relief to any class. The noble Lord said there was no such right, but he asserted that there was that right in the destitute to claim relief and admission, if there was room, in the workhouse. He believed it had been held by those most conversant with the law, that if the pauper was destitute, and that there was room in the poorhouse, the guardians had no right to refuse relief. He was not giving his own opinion, but that of persons much more competent than himself, some of whom were commissioners; and he could assure the right hon. Baronet (Sir James Graham) that that opinion was very general throughout the country, and was acted upon by the able-bodied paupers. He thought the test of destitution measured only by the extent of the accommodation in the workhouse, was one of the worst features in the law, and its inevitable tendency would be to reduce the condition of the able-bodied labourer to that of a pauper, the moment there was the slightest check given to his being employed. He had already seen repeated instances of this, and the poorer classes were beginning to lose that reliance on their self-exertion and labour which had carried them through all their difficulties hitherto. In fact they were beginning to feel that they would be absolutely in a better position by letting themselves drop into destitution than by making any exertion for independence. They were beginning to feel a relish for the indulgences and little luxuries of a workhouse. It was bad enough to have a pauper population in Ireland, but the Legislature told these poor people, " the more indolent and vicious you are, the less you exert yourself, the more certain are you of obtaining the comparative affluence and luxury of independence from labour." He feared the next step on the part of the population would be intimidation and violence. After a man had once tasted the luxury of a workhouse bed, and the pleasure of having a full meal, and a warm and comfortable house, did they think that he would willingly return to his damp floor, his straw, his filthy rags, and his want of food, and willingly go to work, when he found, that by indolence, or drunkenness, or any other vice he committed, he might reduce himself to that destitution which was all the law rendered requisite to give him the indulgence of the workhouse. What would be the inevitable process in Ireland? The country guardians would soon find how dangerous it was to be too critical as to claims—there would be nothing but a system of violence and intimidation, and it would not be very long before that would come into operation. The noble Lord, by the way in which he had treated the motion, had made it somewhat difficult to enter fully upon the question. He was sorry to weary the patience of the House; but there was one point upon which the feeling of the country was so unanimous, that he wished to touch upon it; he meant the conduct of the commissioners. He, for one, was certainly an advocate for a central and powerful body to restrain the boards of guardians; but if the Legislature entrusted great powers to the commissioners, they should be exercised with the greatest possible discretion and judgment. Good sense and tact, were necessary. From the very first moment up to the present time, however, they had committed a series of errors; they had been building up walls to run their heads against—bullying whenever they could, and submitting only when they were no longer able to resist. His hon. Friend had referred to the quarrels of the commissioners with the press, and with the board of guardians, and other parties. The commissioners had made orders and regulations, and had not strength and firmness to go through with them. Where a public body set out with certain orders and rules, and afterwards were compelled to rescind them, they placed themselves in a most ridiculous and ludicrous situation, and threw discredit upon the whole law. He did not mean to contend that the public press ought to be excluded. He would merely observe that those unions which admitted the press to their discussion, did well, whilst those who excluded it did better. With respect to the erection of workhouses, had the commissioners had the good sense to consult the board of guardians (he would not diminish the power of the commissioners to do whatever they considered right themselves); had they laid their plans before the guardians, or had they had anything like a friendly communication with them, he was confident they would be then in a very different position. Instead of that, they received every suggestion in the most haughty and unsatisfactory manner, and who were the guardians who were treated so unceremoniously? They were gentlemen residing in the country in constant communication with the poor—they were a fair sample of the country gentlemen and farmers of each locality, and they might have been consulted without any degradation to the commissioners. He was convinced that if the commissioners had acted with a little consideration towards the guardians, the whole system would have worked better—everything that had been brought before the House by his hon. Friend would have been introduced by the commissioners themselves, and all the grievances and objections that prevailed would have been removed. He would not go into all the points that had been touched upon by his hon. Friend, but there was one, which, if adopted, would be productive of the greatest possible convenience, and that was the more equal division of the rate over the electoral divisions of an union. Many hon. Members who were not in the House when the hon. Member for Limerick made his statement, would probably be surprised at the instances he had quoted. One electoral district paid a rate of 2*s*. 6*d*., while another adjoining it, and in the same union, paid only 2*d*. or 2½*d*. Now he thought that that monstrous discrepancy did deserve the attention of Parliament. He thought the principle on which that inequality of rates depended, was one which it was impossible to apply in fairness, to the measure. The principle on which it was applied was, that properties which were mismanaged, should be made to bear the effects of their mismanagement—to have properly effected that they must bear an individual proportion representing an entire electoral division, which was almost impossible—and what was the result at present? Let them take any property—the most egregiously mismanaged—and they would in no case find any one individual the proprietor of an entire electoral district, and consequently, every one who was a co-proprietor was punished for his fault. Nay, more—suppose an individual were the possessor in fee of an entire electoral division, still, all his tenants were punished, and that, he (Sir D. Norreys) did not think was just. Where the principle could not be applied without evident injustice, why not at once make the rate leviable over the entire union? The consequence of the present system was this, that the properties which had been mismanaged, had given out their paupers, who had taken refuge and been absorbed in other districts, and the burden was thrown upon other districts, the consequence of which was, that the burthen was, in many cases, most grievously felt in the towns. From mismanaged estates the paupers went off; the townspeople are not those who have caused the poverty, and yet they are made to bear the burthen. Even with regard to the poor themselves, he could assure the noble Lord and the House that the system was working badly. The first thing that every guardian attends to is from what district the pauper comes, and as sure as he comes not from his own district, the guardian will vote for his admission, and thus he will make a character for himself by voting for the admission of the paupers of every other guardian. He thought that was a bad system. By making the system general over the entire union, he believed that the result would be that, the more meritorious paupers would be sought for, and that the guardians would feel a pride in selecting as many as they thought proper of the deserving poor; whereas now, whatever the right hon. Baronet might think of it, it was the constant tendency of each guardian to relieve his own district, and throw the burthen upon others. He should have been glad to have called the attention of the noble Lord to many other points connected with the administration of the Poor-laws; but when he found that the noble Lord had not noticed the statements that had been prepared with the most elaborate care by his hon. Friend—that he had not paid the slightest attention to the suggestions made to him—it was enough to deter him; and it would be probably better for any hon. Gentleman, who wished to refer to these or other points, to wait until the noble Lord had brought forward his promised panacea for all the grievances of the present system.

Mr. *Shaw* said, his observations should be short, as he considered that a more fitting opportunity for any lengthened discussion of the question before the House would be afforded when the Government should introduce the bill, which his noble Friend, the Secretary for the Colonies, had that night announced as having been prepared with a view to practical amendments of the Irish Poor-law. He did not think that his hon. Friend, the Member for Limerick (Mr. O'Brien) had made a case for a committee of inquiry—he had neither stated the facts which he proposed to prove before the committee, nor the end to be attained. He would admit that the state of the public mind in Ireland was, at the present time, disturbed and unsatisfactory upon the subject; but he was persuaded that granting the committee sought would tend to aggravate existing difficulties, and still further to unsettle public feeling. The committee would be engaged in the discussion of abstract principles, such as the soundness of the workhouse test, or the comparative merits of in-door or out-door relief—questions which, if re-opened at all, must be decided in that House, and not in a select committee. In the latter, no useful result could be arrived at, and the whole would end in delay and disappointment. Those who had not anticipated success from the measure, but had predicted its failure, could not consistently express surprise at the fulfilment of their expectations, nor reasonably call upon those who had promoted or supported the principle of the law, to place the amendment of it in their hands. He had been from the first of opinion that too much had been attempted by the bill—he had recommended a step in the same direction, but a much shorter one, and in 1838 had moved an amendment, and divided the House upon it, for the purpose of limiting relief to the sick, the aged, and the impotent. Had that been carried, the great outlay on workhouses would have been saved, and he believed that the 35,000 persons now receiving relief might almost, without exception, be comprehended in the class that he would have provided for. However, the House decided otherwise. He and many other Irish Members, at the time the law was introduced, described it as a great and doubtful experiment; but they said that if it passed they would give it a fair trial, and he must say, that he did not think it had, as yet, had a fair trial. The great expense of building 110 out of the 130 workhouses had been incurred. The burthen, therefore, was felt, but the benefits must necessarily be slow and gradual, and time allowed for the system to develope itself in practice. In such a crisis it surely would be most unwise to grant a committee of inquiry of which the inevitable result must be to suspend the operation of the measure. Much fault had been found with the resident commissioners. He had been perfectly unacquainted with Mr. Nicholls when he came to Ireland appointed by a Government to which he (Mr. Shaw) was politically opposed. But subsequent to that period having had frequent opportunities of observing the conduct of Mr. Nicholls, he felt it but common justice to declare, that considering the exceedingly arduous duty Mr. Nicholls had to perform, a weight of labour fell upon him, which was too great for any one to bear. Considering all the circumstances under which Mr. Nicholls was placed, he did not believe that any public man could have acted better, or with more zeal for the public service—with greater singleness of purpose, or with a more disinterested devotion to the cause in which he was engaged. Mr. Nicholls, of course, was not infallible no more than other men; but, notwithstanding all the abuse which had been heaped upon him—most impartially, as it came from all sides, but most unjustly, as he was sincerely convinced—he was satisfied that Mr. Nicholls conducted himself throughout with great ability, the strictest impartiality, and the most perfect uprightness. His hon. Friend who brought forward the motion, had stated that he was in favour of out-door relief being allowed under the Irish Poor-law. Now, he could not sit down without expressing his opinion, that if that principle was once admitted in Ireland, where, let it be observed, a system of poor-laws was for the first time introduced, and a large portion of the labouring poor were unhappily living upon the very confines of destitution — all independent labour would be absorbed, and the landed property of the country virtually confiscated. He hoped his hon. Friend (Mr. O'Brien) would not divide the House upon his motion, after the declaration of the Government that they had a bill matured for the amendment of the present law, and of which the House was not yet in possession.

Mr. *Sharman Crawford* said, that the objections made against this committee were the same which were constantly raised against every proposition of inquiry by this House; but if ever there was a case for inquiry, the present was undoubtedly that case. It was acknowledged, that the Irish Poor-law was an experiment. The experiment had been made, and the result was, that there was a universal dissatisfaction over three provinces of Ireland, and partial dissatisfaction over the remaining province. In some places, the rates were not levied—in some they were openly resisted—and in some places the doors of the houses were closed, or on the point of being closed. Was not this a state of things which required inquiry? Was it not more especially necessary to have that inquiry before any new measure should be adopted? The noble Lord, the Secretary for Ireland, said his information led him to believe this law was working well; but he would respectfully say to the noble Lord, that he apprehended that the noble Lord was under a misconception in this respect; he suspected his information was drawn from the northern part of the province of Ulster, where he admitted the working of the law was less objectionable than in other parts of Ireland. This was attributable to two causes—first, that in that portion of the province, there was no occasion to apply for public relief for the use of able-bodied workers, and, secondly, the assistant commissioner, Mr. Gulson, who was appointed to that district, acted with that moderation and good judgment, which conciliated the guardians. There was no hostility between them. The diet was sufficiently liberal, and these houses were in that quarter what they ought to be in every place—houses of retreat and refuge for the helpless and infirm poor. If the commissioners had generally acted with the moderation and good feeling manifested by Mr. Gulson, the law would have been far more popular than it now is. The noble Lord had read extracts from the report of the Irish poor inquiry commission, from which he wished the House to infer, that the present law was in accordance with that report. He (Mr. Crawford) would take leave to read to the House further extracts, from which he would show that the reverse was the case. It is true the commissioners did recommend houses to be built, as places of refuge and relief for infirm poor; but they did not recommend this mode as a means of giving general relief to the poor of Ireland. On the contrary, they say :—

"When we see that the labouring classes are eager for work, and that work is not for them, and that they are, therefore, not from any fault of their own, in permanent want, we therefore cannot recommend the present workhouse system of England as at all suited to Ireland.""

They say again.—

"We are satisfied that enactments calculated to promote the improvement of the country, and so to extend the demand for free and profitable labour, should make essential parts of any law for ameliorating the condition of the poor."

The commissioners recommend various measures for promoting public works and private enterprise, the whole of which, with the exception of the Drainage Bill, have been neglected. The commissioners then proceed to offer suggestions for the modes of effecting this latter object. They propose that a board of improvement should be established with extended powers in this respect. That power should be given for improving the condition of the cottier population, by removing them to allotments on lands now waste. That extensive means should be adopted for agricultural improvement, by establishing model farms in every parish in Ireland. That powers of leasing, and charging money for improvements on their estates, should be conferred on landlords under settlement, and possessing their estates only as tenants for life. They propose an elected fiscal board for each county, for the purpose of regulating public works, and promoting improvement, and consequently employment. Now, what have you done? You have not attended to one of these recommendations, and you have built houses, in which you vainly imagine the whole of the destitute poor of Ireland are to be relieved, without taking any means to promote their employment; and, at the same time, while you do nothing for the poor in the latter way, you endeavour to make your workhouse test so offensive as to preclude the working poor from seeking relief in the houses. Can such a system work? You will further find, that in appendix F the Poor-law Commissioners enter into evidence with reference to the state of the law between landlord and tenant—that an improvement of this law is suggested, which suggestion never has been acted on by either of the Governments which have been in office. He intended, after Easter, to submit to the House a propositionfor carrying into effect these suggestions. The noble Lord says the Government are determined to adhere inviolably to the principle of the bill, and what is that principle? It is that which has failed in England, which has excited universal discontent, and which the Government have found it impracticable to enforce, namely, the relieving of the whole poor of the country by means of incarceration in workhouses, without taking any means for their employment otherwise. To this system various objections have been often stated, but there is one which alone would be sufficient—the subjecting the old and the young, the infirm and the strong, the virtuous and the profligate, to one common system of discipline, and to indiscriminate intercourse. He would tell the Government such a system cannot work in Ireland. The workhouses should be solely the refuge for the infirm, and if they do not permit the administration of out-door relief, about which there seems a general alarm, they ought at least to institute those various means of employing the working classes for which the circumstances of Ireland afford such ample resources if called into action. When he found the Government persist in an headlong determination to go on upon this principle in defiance of facts—in defiance of remonstrances from all parties—in defiance of the commissioners' reports—he thought that inquiry was imperatively called for. Another cause of dissatisfaction with the Poor-law was the mode of taxation by which the tenant was required in the first instance, to pay both his own and the landlords portion of the assessment, and afterwards to claim it back from the landlord. This must ever be pregnant with causes of bad feeling between the landlord and tenant in Ireland, and must tend to aggravate all the existing causes of discontent. The levy of the tax should be so constructed, which he could show the mode of doing—that the landlord and tenant should each pay their respective proportions by distinct and separate payments. Some observations had been made about the diet; it was clear from the Commissioners own report, that they did attempt to carry out their principle of making the diet of the poor in the house, worse than the diet of the external poor in an extreme manner. In proof of this, he need only allude to the dietaries given in some reports for the south of Ireland, in which two scanty meals in the day were only allowed, and the reason given that the smallness of the allowance was not fit to be divided into three meals—but they were compelled to give up this part of the test. It was too bad to shut up people in a house to be starved. In that part of the north of Ireland in which he lived, a sufficiently nutritive diet was permitted, and the inmates were contented with it. Under the circumstances he had stated, he would support the motion of his noble Friend.

Mr. *B. Escott* would not vote for the committee proposed by the hon. Member because he did not think it would produce any practical result. The question was one of the greatest importance to Irish Members, and yet he had not seen them in their places that night, though some of them were accustomed to arrogate to themselves the exclusive privilege of protecting, and asserting the rights of the Irish people. Where was the hon. and learned Member for Cork upon the present occasion. On the last occasion, when the question of Poor-laws was under discussion, when he wished to extend the power of granting out-door relief, the hon. and learned Member had supported his motion, and had expressly stated that in the next Session of Parliament he hoped to be able to extend the principle for which he contended, to Ireland. Where, then, was the hon. and learned Member when there was a question of practical importance as regarded the best interests of the sister country? It was stated that workhouses had been already built throughout Ireland; and the right hon. and learned Member for the University of Dublin had stated that the Government were about to introduce a measure for the amendment of the existing law. Was it then expedient, after all the machinery had been set in motion, and all the expense incurred, to take the question out of the hands of Government and place it in the hands of the hon. Member for Limerick? Was that expedient or wise? He agreed with the hon. Member opposite, that the great end of the English, as well as the Irish Poor-law system, was the erection of workhouses; but now that they had erected them he thought it would be extremely injudicious and absurd to effect a total and radical change in the system. He thought the most prudent course would be to throw the responsibility upon the executive Government, hoping that they would introduce such amendments as would remedy the defects of the present measure.

Sir *H. W. Barron* said the Government had expressed its determination not to consent to any measure that would alter the fundamental principles of the existing poor law, and in that he thought they had exercised a sound discretion. At the same time he thought, for the beneficial working of the measure hereafter, a searching inquiry into its details was necessary, although he was very far from saying that that inquiry should be instituted by the House of Commons, inasmuch as it would lead the people of Ireland to think they were about to alter that great measure which he believed was likely to raise the condition of the people, and make them something better than beasts of burden, or than the swine they reared in their cottages. It was for that reason, and because he did not think the law had as yet had a fair trial, that he supported it. What was the fact? Before they had had time to observe the operation of the law, they wished to upset it, and uproot a most valuable institution that had not yet been properly established in the country. He maintained that it would be most injurious and detrimental to the peace of the country; and above all, he firmly believed, and was conscientiously of opinion, that if they granted a committee of inquiry in the present state of the public mind in Ireland, they would do more mischief to the poor, than by any measure they could devise for unsettling men's mind in that country. When he stated that, he was aware that he was not stating, perhaps, what was the popular opinion in Ireland, nor the opinions of many of those whom he had the honour of representing in that House, but if his conscientious declaration of opinion was attended with a loss of his seat, he would cheerfully resign rather than act contrary to it. In the district with which he was connected, there was a great deal of popular commotion on the subject. He would state to the House, in a few words, its origin. It would be in the recollection of hon. Members that the Irish Municipal Corporation Bill passed that House about a year and a half ago, and in order to have a corporation in the city of Waterford it was necessary that a poor rating should first be established throughout the district. He regretted to say that Members who ought to have known better—men of property and station, who were connected with the old corporation, had opposed that rating in the most unjustifiable manner, and had employed counsel and attorneys to pick holes in the wording of the act, and employ all their legal tact in upsetting the rate. That had led to discussions and questions in the courts of law, and had also led to a resistance to the collection of the rate, because they attempted (in many cases with success) to convince the people that it was an illegal rating. That was the primary source of all resistance to the law in his district. The people were led to believe that it was illegal, and hence the opposition that arose. But if any hon. Member saw how the business was conducted in the city of Waterford—if he knew how much the poor had been benefitted by the operation of the law—if he saw upwards of 500 unfortunate persons raised to a state of comparative comfort and ease, from the most abject poverty—if he saw there the aged, the blind, the lame, and the helpless, protected, and fed, and clothed—not a cry, not a word, raised against the management of the workhouse by any inmate—if he saw all this, he would be inclined to admit its beneficial effects. Let those who saw these things declaim against the law if they thought proper—he could not do it; he could not do it; he could not consent to have these unfortunate persons, in any part of the country, sent upon the world without a friend or a house. He believed it had conferred many great benefits upon Ireland; he beleved in his conscience that it would confer still greater benefits, if the gentry would only lend a helping hand and give it a fair trial; and, with these feelings, he felt himself bound in his conscience, to vote against the motion of his hon. Friend.

Lord *Claude Hamilton* believed that the law would never be found to work well until they had made it palateable to the people of Ireland, and it was from the anxiety he felt to see the law permanently established and popular, that he felt inclined to vote for the motion of the hon. Member for Limerick. The hon. Gentleman who had just sat down had appeared rather to cast a slur upon the gentry, but this much he would say, so far as his part of the country was concerned, that he had never seen so much union upon any question, among all parties and classes, and whether they were members of the Roman Catholic Church, Presbyterian, or Established Churches, men of all denominations cordially combined in endeavouring to carry out the intentions of the legislature, and render its operation advantageous to the country at large. His right hon. Friend the Member for the University of Dublin had said that the present motion was calculated to disturb the minds of the people of Ireland upon the subject. The House must be aware that the law was only an experiment, which he for one was most anxious to see successful, and that was why he was anxious to support it, and to avoid anything which might bear the appearance of indecision and uncertainty on the part of the legislature. But the appointment of a committee would not have that effect. The law was, he believed, likely to answer were it not for the stumbling-block thrown in its way by the extraordinary power given to the commissioners. To say, however, that investigation into the working of the system would disturb the minds of the people, and that it would be regarded as the forerunner to a great change, was merely a bad compliment to the system. But, supposing no other argument could be brought against the motion, what does the noble Lord say? Suspend your judgment — wait for our proposition — we have undertaken the responsibility, and intend bringing forward an amendment. Now, that proved that amendment was necessary, and people would hardly think it fair to say that those who called for investigation were disturbing the public mind, when the Government themselves asserted that it required amendment. He regretted that into some portion of the debate personal feeling had been introduced—he regretted the allusions that had been made by the hon. Member for Winchester (Mr. Estcott), for up to that time, he must say that all parties appeared only anxious to arrive at that conclusion that seemed most likely to prove beneficial to the country. He must say, that, so far as his own observation and opinion went, and he entertained somewhat strong feelings upon the question—not arising from any prejudice or party feeling—that he did not think the measure calculated to effect much practical good. Whatever benefit or advantage might flow to the country from the law, was interfered with by the extraordinary and arbitrary powers which had been conferred upon the commissioners, and which, in some instances, might be characterised as most meddling and mischievous. It had excited strong feelings of disgust in the minds of many of those who acted as guardians of the poor. He presumed everybody was aware that in many of the unions the advice of the guardians was sought for by the commissioners, and questions asked as to the mode in which the intentions of the Legislature should be carried out—but in every instance, so far as his experience and information went—in every case in which the guardians had given important suggestions—the result of their local knowledge—their advice, after having been duly tendered, was contemptuously disregarded, in a manner that plainly said the commissioners had long ago made up their minds upon the subjects. That had been repeated over and over again, and not only that, but when the assistant-commissioner had acted contrary to the advice of the guardians, they discovered that that advice was exceedingly valuable, and then they were compelled to alter their plans, and the cost of the patchwork added considerably to the expense of the measure throughout the country. He would not enter into the details of the working of the system, for that was, he thought, much more fit for investigation before a committee, but if so inclined, he could detain the House a couple of hours in detailing the blunders and mistakes of the assistant commissioners. Why did the Government refuse to grant them that which was the proper place for such an investigation? Surely it could not be denied that the committee was the proper sphere for such inquiries; and he could not conceive that there was anything which it was not the province of a committee of that House to investigate. It was with deep regret that he heard that the Government had refused the present motion; and he hoped that his vote would not be construed into hostility to them; but he should not be deterred by such considerations from adopting what he conceived to be the proper course—namely, giving his vote in favour of the motion of the hon. Member for Limerick. With regard to the Gentleman who acted as assistant commissioner in his part of the country, he could only say that he was very universally liked. At the same time, he got, as people sometimes did, rather warm. A contract was entered into for the erection of workhouses at Londonderry and Strabane—the undertaking being that both should be built alike. Both were commenced, but the Londonderry one was completed first, and then it was discovered that the plan would not answer, and they were obliged to alter it. Meantime the Strabane workhouse was in progress, and they were actually compelled to pull it down again to make it a counterpart of the Londonderry workhouse, thereby entailing an additional expense of 1,400*l.* upon the union. How, really, could it be expected that a system so contrary to all the principles of economy and common sense could be allowed to go on? Surely that was a case that ought to come before the public, and no man would say that such extravagant waste was not calculated to impair the value of the measure. He could tell the House many more circumstances of a similar nature, but he treated them to that one as a special sample of what the assistant commissioners could do. These things rankled in the public mind; and then, again, with regard to the question of valuation, the people heard of nothing but the extraordinary powers of the commissioners, and the vast expenses that they were entailing—they found that Government left the matter entirely in their hands, and that the only appeal they had was to a committee of the House of Commons. He regretted, under these circumstances, that the Government was resolved to shut the only door which was open to the people to state their complaints, because if these complaints were not well grounded, they could be at once put an end to; but they would not give the people even a chance. He certainly felt very strongly upon the subject. Already there was a very wide spread discontent throughout the country, which would be considerably aggravated if all investigation was refused. The Government was going to make amendments in the law, and yet they would not allow the public to state what were the points of objection which required amendment and consideration. He really did hope that that refusal would not be adhered to by the Government, because while the present complaints continued they were poisoning men's minds against the system. He had always acted to the utmost of his ability in support of the measure; but he prayed the House to interfere and no longer suffer that concealment of wrong that was calculated to do such irreparable injury.

Mr. *French* would adopt the course asked for by the noble Lord, and suspend both his opinion, and the delivery of his sentiments, in respect of the Poor-law, and the conduct of the commissioners in Ireland, until the bill promised by the noble Lord was before the House; in doing so, he wished to guard himself from being supposed to acquiesce in the statements, or to acknowledge the accuracy of the figures quoted by the noble Lord—furnished, of course, to him by the Poor-law commissioners; on the contrary, he was prepared to show that the present system had utterly failed as a measure for the relief of the poor—that it never was suited—and never could be rendered suitable to the wants or the condition of the people—and that, notwithstanding the reckless manner in which the country had been covered with workhouses, the repeal of the law was inevitable, and that at no distant period. As to the figures quoted, he had no confidence in their accuracy, nor did he believe the public would have any confidence in assertions proceeding from the Poor-law office. The noble Lord had attempted to defend the accuracy of Mr. Nicholls—first, on his estimate for building the workhouses—saying the estimate was for 110 houses, not for 120, which was the number now built. Mr. Nicholls's estimate for providing workhouse accommodation for 100,000 paupers was 700,000*l.*; he had now, with his twenty additional buildings, provided accommodation for but 94,000, and the expense was 1,300,000*l.* Mr. Nicholls had estimated the annual cost of maintenance of the poor, in these houses, at the highest figures, as 312,000*l.*, and the lowest 218,000*l.*—the noble Lord admitted it to be 680,000*l.* He contended, from the data before them, that it would turn out to be 1,500,000*l.*; 1,500,000*l.* for maintaining 94,000 paupers, out of 2,300,000 persons, the number the report of the commissioners for Poor-law inquiry declared required relief. It was well that the country should know what the arrangements contemplated by the noble Lord were—that they should fully understand the alterations he was about to propose were solely for the purpose of rendering the working of the bill more easy to the commissioners—that the system was to remain untouched—and the complaints of the guardians unattended to. He sincerely wished that Irish Members would think less of Sir Robert Peel and of Lord John Russell, and, indifferent as to politics, pull together where the interests of Ireland were concerned. It was only by such a course, that the ruin brought on the country by the empty assertions and inaccurate calculations of Mr. Nicholls, could be warded off.

Mr. *Gregory* thought the motion of the hon. Member for Limerick had not been fairly dealt with, and although it was a motion from which he did not think much practical benefit would arise, he still felt that a fair opportunity ought to be afforded him of pressing it on the attention of the House. The noble Lord had alluded to the sentiments of a noble relative of his (Mr. Gregory) as favourable to the present law, but he could assure the noble Lord, that Lord Clancarty was convinced that a very great alteration ought to be made in the present system of Poor-laws in Ireland. The noble Lord had also read a letter respecting the opinion of the North Dublin Union. Now, as the Lord Mayor had called an aggregate meeting on the subject, he had no doubt that the noble Lord would shortly hear something from his Friend of the North Dublin Union, about the evils of the present system. Indeed, notwithstanding the speech of the noble Lord, he was sure that the noble Lord himself was convinced that there were many imperfections in the system, which required correction.

Sir *Robert Ferguson* hoped the hon. Member for Limerick would not withdaw the question from the consideration of the House. It was true the noble Lord had said, that he intended to bring forward a bill, but they had not heard one single statement as to the contents of that bill, or that the mischievous results of the present system would be in any way met. An appeal had been made to him as to the expense of maintaining the poor, and it did so happen that he was intimately connected with two unions, and had for two years narrowly watched the operation of the measure. As to the poor being supported at an expense of 2*s.* each per week, he would observe, that to that must be added 50 per cent. for the other expenses of the workhouse. While he was anxious to speak with all due respect of the commissioners in their private character, he must be permitted to say that their accounts and reports were by no means satisfactory. He could not place dependence upon these reports—he did not think they were what they ought to be, nor what the House had a right to expect as regarded the administration of the Poor-laws in Ireland. One most extraordinary fact was that the House had not been able to procure a single account that Session. It made no difference whether the returns were moved for by a Peer in the other House of Parliament, or an hon. Member of that House. He had called for accounts which it was admitted had been made, and for returns which must be lying in the commissioners' offices, and yet they had been refused by the noble Lord. In the same way, the hon. Member for Roscommon had been refused some papers he had repeatedly asked for. He quite agreed with the noble Lord, the Member for Tyrone, that the gentry, and he believed he was right in adding the middle classes in the north of Ireland, were anxious and determined to carry out the law in the best possible manner; but at every turn, they were met by the arbitrary conduct of the commissioners, who were endeavouring to foil them in every possible way. The noble Lord had said, that he was anxious to hand over the erection of the workhouses to the commissioners. The act required that the building should be given to the commissioners, and that the fitting up should be confided to the board of guardians, under the sanction of the commissioners, and yet they had refused to allow the board of guardians of Strabane to interfere; and had saddled the union with an expense of 50 per cent. beyond the ordinary price. He really did think that it was not treating the people of Ireland well to say that there were defects in the working of the measure, but that they would not tell what they were, or what remedies they intended to apply. What appeal had the people from the acts of the commissioners? None whatever, unless an appeal to Parliament. The Government might depend on it that the gentry in the various districts would do their duty honestly and conscientiously; but when they had been endeavouring to bring the law into operation, that was not the way to treat them; and unless some check or curb was placed upon the acts of the commissioners, they would find that it was idle in them to expect that the law would, ever become popular, either with the gentry or the lower classes.

Viscount *Bernard* said, he should give his decided opposition to the motion of the hon. Member for Limerick, on this ground, that he did not think it could lead to any practical or useful result. When he looked at the opposition that was raised against the operation of the Poor-law in Ireland at the present moment—when he knew that in the union adjoining to one in which he resided, a successful resistance to the payment of the rates had been carried on until it had been quelled by the strenuous and able exertions of her Majesty's Government—when he recollected that that opposition threatened at one time to cause serious disturbance to the peace of the country, he could not consent to anything short of a practical remedy. Let the House consider for a moment what would be the composition of the committee if it were appointed. Would there not be on it the hon. Member for Limerick, who had brought forward the present motion, the hon. Baronet the Member for Mallow, and the hon. Member for Roscommon?—all decidedly opposed to the very principle of the law itself. He firmly believed, that were the committee appointed, at the close of the present Session they would have as little advanced towards any practical measure of amendment as at the present moment. At the same time he looked forward with hope to the measure which her Majesty's Government was about to introduce; and expected from it a practical improvement which would give satisfaction to Ireland. He had been chairman of a board of guardians in the south of Ireland for three years, during one-half of which time the law had been in practical operation, and it was his firm belief, that the welfare of the country required that the principle of the law should be maintained in all its integrity. He believed, that the chief causes of dissatisfaction had arisen from defects in the details of the measure—defects so glaring, that they had unquestionably led to the supposition that the principle itself was defective. In his opinion the reason why the measure had excited dissatisfaction among the landed proprietors was, that the influence it was intended by the framers of the law to give them by means of voting by proxy, and cumulative votes, had been practically withheld. In his mind one of the greatest faults of the measure was the taxing poor creatures leasing holdings under 5*l.*, and who were themselves little better than the inmates of the workhouses. In the union where he had presided, there were 600 defaulters, from whom the amount of rate due was about 15*l.*, and in one electoral division, there were persons who were receiving alms from the church collections with the one hand, and paying rates themselves with the other; and he earnestly recommended the Government—if he might take the liberty of making such a suggestion—to relieve these poor persons altogether, and he believed the fairest way would be to tax the landlord directly with the moiety he at present paid. He thought it would be a fair and equitable mode of proceeding to make the tax a union tax, and in that he certainly agreed with the hon. Member for Limerick. The principle of localizing the tax was undoubtedly excellent, and he trusted that he should be the last person to wish to relieve the owners of property (whose duty it was, and whose inclination it ought to be, to reside on their properties, to administer to the necessities, and alleviate the wants of those whom Providence had committed to their care) from contributing their fair proportion to the maintenance and relief of the destitute. As the law at present stood, there was a very heavy pressure upon the poor residents in towns, it was impossible, he believed, to make a fair distribution of electoral divisions, if, on the one hand, it was confined to the town, it would ruin the poorer inhabitants, while, on the other hand, it would be difficult to add a sufficient rural district, without doing injustice to some party. This was the principle formerly acted upon, for before the introduction of a legislative measure there was an unwritten law which actuated every Irishman, and beat in every Irish breast; and by that law it was decreed that no beggar should ever be turned away from the poor man's door, although he might share his last meal with one scarce poorer than himself. It was his firm conviction that the valuation under the new Poor-law Act had caused very great dissatisfaction, and ought to be taken out of the hands of the guardians—much mischief had been caused by the pecuniary difficulties of the unions, and thus the case appeared worse than it really was. As reference had been made to the Poor-law Commissioners themselves, he would bear his testimony to the zeal and integrity with which the assistant commissioner for the county of Cork had discharged his duty. This much he would say, that any system of Poor-laws must be but of partial success, unless means were devised which would develope the resources of the country, which would enlighten the people and rouse their dormant energies. If they were instructed in agriculture, and taught to know the wealth that Providence had cast around them, then a happier day would dawn on Ireland, employment would be afforded to the population, and peace would be restored. He believed there were very many persons in Ireland, who, tired of religious discord and sated with political agitation, were anxious to bury in eternal oblivion all political animosities and unite together for the common benefit of their too long neglected country.

Sir *J. Graham* trusted the hon. Member would avail himself of the advice which had been offered him, and not persevere in his motion. It was not correct to state, as had been stated by the hon. Member for Dublin, that the intention of the Government had not been set forth to the House. A question had been put to the noble Lord the Secretary for Ireland on the second night of the Session, and that noble Lord then distinctly announced the intention of the Government to bring forward a measure to amend the present law. He also had more than once stated the intention of Government. However, he would now state that a measure was matured, and it would be his duty to ask leave to introduce it before the Easter recess. Before asking leave to bring in that bill, it would be premature and inexpedient to enter into a debate upon the subject; but in answering the motion of the hon. Member for Limerick, he (Sir J. Graham) might say, that all the points alluded to by that hon. Member were dealt with by the measure of the Government. He should be deceiving the hon. Member if he held out expectations that the measure to be introduced sought to abridge the existing authority of the Poor-law Commissioners. Large powers were indispensably necessary, exercised with due discretion, to be vested in the commissioners; to that principle the Government must decidedly adhere, as also to the principle of relief administered in workhouses. The Government had given to the Poor-law for Ireland a reluctant, hesitating, and not very sanguine support. It was beyond all doubt, as applied to Ireland, of dangerous tendency; but it was an experiment, and he was bound to say, as yet an incomplete one. This was, as it were, the crisis of the fate of that measure, the burthen of which was felt, whilst the expected benefit was not yet experienced. The extent of that benefit he still considered doubtful. There had been one proposition mooted by the hon. Member for Limerick, which would render it impossible for him to consent to this committee—namely, the proposal to consider the question, whether out-door relief should be given to the poor of Ireland. To allow a question of that kind to be considered by a committee, would be deputing to it the functions of the House of Commons. An inquiry embodying a greater question of policy, or a more dangerous proposition, could not be entertained. He was quite confident, from the present condition of Ireland, that to give the right of out-door relief to the able-bodied poor would be neither more nor less than the confiscation of the landed estates of Ireland; at any rate, it was a question for the House to consider. Of all questions to be considered by a select committee, this was one of the last. He would only just mention, in passing, that the small number of Irish Members who supported this committee held very different opinions. The hon. Member for Mallow thought the diet of the workhouses too good; the hon. Member who brought forward this motion talked of the extreme hardship of the diet. According to him, on some Christmas-day, he knew not whether on the 25th of February or the 25th of August—the diet of the workhouses was the extreme of want, whilst, according to the hon. Member for Mallow, it was the extreme of luxury. He gave the strongest commendations to the private character and public conduct of Mr. Nicholls, the Poor-law commissioner. It had been said, that in some instances he was hard, but these statements had always been accompanied by some commendations on his private character. He thought him an honest and conscientious man, and that he had gone to Ireland for the single purpose of doing his duty. Mr. Nicholls might have been betrayed into error, but he begged the House to consider how difficult had been his position. He had to try the experiment of building simultaneously 130 workhouses in Ireland. His "misconduct" was that of a man of strict integrity, and his misfortune was that he had given offence. Something had been said about the inaccuracy of the estimates; but the estimate for building eighty workhouses had been applied to the building of 130. Mr. Nicholls had had to superintend the erection of all these workhouses; he might have been very often overreached; he believed such to have been the case, but he had been most anxious to prevent any extravagance or fraud; and might have been an erroneous judge where anything was done amiss. The hon. Member for the City of Londonderry complained of the delay in making some returns; it was the wish of the Government to furnish them. At the same time, it would be his duty to resist the motion of the hon. Member for Roscommon, for calling Mr. Lewis to the Bar of the House on account of delay in making the returns. Those returns should be laid on the Table with the least possible delay. In the present position of the Poor-law question in Ireland, the concession of this committee would lead to the most serious misunderstanding there. It would be received as an indication that the Government intended firmly to maintain the existing law, when in fact the Government had no such intention. The Government admitted the defects of the law, and was prepared to lay on the Table of the House a bill to amend them. An inquiry into the past errors committed in building workhouses, was not to be weighed in the balance against the evils of granting the motion of the hon. Member. He must say, as to inquiring into minute details, with the organised resistance established in Ireland against the measure, and the assurances of the hon. Member for Roscommon, not to be forgotten, that 40,000 bayonets would not uphold the Poor-law system, — above all, recollecting that 1,300,000*l.* of public money had been advanced for the building of these workhouses, and must be paid, he for one should betray his duty in consenting, under such circumstances, to the motion of the hon. Member for Limerick. At the same time, the Government would lay on the Table of the House a measure in detail meeting all the difficulties, and remedying the defects of the existing law.

Mr. *Ross* said, that prior to the last speech, the bearing of his mind had been decidedly in favour of this motion; but, after the declaration of the right hon. Baronet, that before Easter a bill would be brought in to remedy the defects in the Irish Poor-law, he felt bound not to go along with his hon. Friend and relative, the Member for Limerick. For his own part, he had never been the advocate of Poor-laws of any kind, and he must say, that he thought the Legislature had committed an error in introducing this law into Ireland; but since it was enacted, he was decidedly in favour of maintaining its principle, and most of its details. He would not limit the powers of the commissioners, and as to the principle of out-door relief, he considered that it would be fatal to the system to admit it; and he unhesitatingly declared that, if admitted, it would in a very short time, swallow up the rental of Ireland.

The House divided:—Ayes 23; Noes 108:—Majority 85.

List of the AYES.

Archdall, Capt.
Barnard, E. G.
Blake, Sir V.
Bodkin, J. J.
Bowring, Dr.
Browne, hon. W.
Crawford, W. S.
Duncombe, T.
Esmonde, Sir A.
Fielden, J.
Ferguson, Sir R. A.
Ferrand, W. B.
Gore, hon. R.
Hall, Sir B.
Hamilton, Lord C.
Hatton, Capt. V.
Johnson, Gen.
Morris, D.
Norreys, Sir D. J.
O'Brien, J.
Plumridge, Capt.
Vivian, hon. Capt.
Yorke, H. R.

TELLERS.

French, F.
O'Brien, W. S.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Antrobus, E.
Arkwright, G.
Armstrong, Sir A.
Baring, hon. W. B.
Barron, Sir H. W.
Bentinck, Lord G.
Bernard, Visct.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Bruce, C. L. C.
Buller, Sir J. Y.
Chetwode, Sir J.
Clayton, R. R.
Clerk, Sir C.
Clive, hon. R. H.
Collett, W. R.
Coote, Sir C. H.
Corry, right hon. H.
Cripps, W.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Eliot, Lord
Escott, B.
Flower, Sir J.
Gladstone, rt.hn.W.E.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Gregory, W. H.
Grimston, Visct.
Grogan, E.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Howard, Sir R.
Hussey, T.
Jermyn, Earl
Jones, Capt.
Ker, D. S.
Knatchbull, rt.hn.Sir E
Lambton, H.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Mackenzie, W. F.
Maclean, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Miles, P. W. S.
Morgan, O.
Mundy, E. M.
Newry, Visct.
Nicholl, right hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Peel, J.
Pringle, A.
Rice, E. R.
Rose, rt. hon. Sir G.
Ross, D. R.
Round, J.
Rushbrooke, Col.
Shaw, right hon. F.
Smith, J. A.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Stanley, E.
Stuart, W. V.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thornhill, G.
Trelawny, J. S.
Trollope, Sir J.
Walsh, Sir J. B.
Wawn, J. T.
Worsley, Lord
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

PARISH VESTRIES.] Sir *John Walsh* moved for leave to bring in a bill to amend the act of the 1st and 2nd William 4th, c. 60, for the better regulation of vestries, and the appointment of auditors of accounts.

Mr. *T. Duncombe* objected to the introduction of a measure of this nature without any explanation of its provisions, and moved that the debate be adjourned.

The House divided, on the question that the debate be adjourned.—Ayes 9: Noes 56; Majority 47.

List of the AYES.

Borthwick, P.
Brotherton, J.
Crawford, W. S.
Fielden, J.
Ferrand, W. B.
Johnson, Gen.
Morris, D.
Wawn, J. T.
Yorke, H. R.

TELLERS.

Duncombe, T.
Hall, Sir B.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Acton, Col.
Antrobus, E.
Archdall, Capt. M.
Arkwright, G.
Baring, H. B.
Bentinck, Lord G.
Boldero, H. G.
Bruce, Lord E.
Bruce, C. L. C.
Buller, Sir J. Y.
Clerk, Sir G.
Clive, hon. R. H.
Corry, rt. hon. H.
Dickinson, F. H.
Douglas, Sir C. E.
Eliot, Lord

Flower, Sir J.
Fremantle, Sir T.
Gaskell, J. Milnes
Gladstone, rt hn. W. E.
Gordon, hon. Capt.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grogan, E.
Hardinge, rt. hn. Sir H.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hope, G. W.
Jermyn, Earl
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Mackenzie, W. F.
Maclean, D.
Mainwaring, T.
Marsham, Visct.
Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Morgan, O.
Nicholl, rt. hn. J.
Northland, Visct.
Peel, J.
Pringle, A.
Rushbrooke, Col.
Smith, rt. hn. T. B. C.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Young, J.

TELLERS.

Walsh, Sir J. B.
Cripps, W.

On the original question being again put,

Mr. *T. Duncombe* moved that the House do now adjourn.

The House again divided on the question that the House do adjourn:—Ayes 7: Noes 58; Majority 51.

On the original question being again put,

Mr. *T. Duncombe* moved, that the debate be adjourned.

Lord *Stanley* said, that his hon. Friend who had more than once postponed the bill, was quite willing to explain the bill; but if, at that late period of the evening, hon. Members would insist on the adjournment, he would recommend his hon. Friend to postpone the bill.

Sir *J. Walsh* would consent to withdraw his motion.

Amendment and motion both withdrawn.

House adjourned at a quarter past one.

HOUSE OF LORDS,

Friday, March 24, 1843.

MINUTES.] NEW MEMBER SWORN.—Lord Berwick, on the Death of his Brother.

BILLS. *Public.*—1ª. Consolidated Fund; Coast of Africa; Transfer of Freehold Lands.

2ª. Mutiny; Marine Mutiny.

3ª. and passed:—Coroner's Inquests.

Private.—1ª. Oxford Railway.

2ª. Hull and Selby Railway.

Reported.—Warwick and Leamington Railway.

3ª. and passed:—Littleton Inclosure; Nottingham Lighting; Cambrian Iron and Spelter Company.

PETITIONS PRESENTED. By Lord Cottenham, from Coventry, Northampton, and Birmingham, for the Repeal of the Bankruptcy Law Amendment Act.—By Lord Brougham, from Stourbridge, for Relief.—By Lord Redesdale, from Wigan, for the Better Observance of the Sabbath.—By Viscount Strangford, from Ashford (Kent), for the Repeal of the Beer Act.—From James Haughton, of Dublin, for the Repeal of the Spirit Duties.—From Wigan, for Extending portions of the Metropolitan Police Act.

CONVEYANCE OF PROPERTY.] Lord *Campbell* presented a bill to alter the law upon the subject of the conveyance of freehold property; and he hoped it would meet with the approbation of their Lordships, as he believed it would cause a great public benefit. The object of his bill was to obviate the enormous expense which was now incurred in the conveyance of freehold estates. Perhaps the most effectual course for accomplishing his object, would be to establish a general registry for deeds. That system existed in almost every country in Europe but England; and he believed, that no country which had once tried the experiment had repented of it. But there existed in England so strong a feeling against the system of registration, that he could not at present venture to bring forward any such proposal. The bill he now proposed to submit to their Lordships, he trusted would be favourably received by them; it was a bill prescribing a very short, a very effectual, a very sure, and a very safe form in the conveyance of freehold property from vendor to purchaser. In ancient times, deeds for this purpose were extremely short. There was a deed of feoffment which, in the reign of Edward 1st, did not consist of a document longer than the small piece of parchment which he then held in his hand (about the size of a bank note). This small deed would convey property of the largest amount. There then followed what was called "livery of seisin," and that constituted a perfect and effectual conveyance, and particular words being then held to have a particular effect by way of covenants, rendered the prolixity of subsequent ages wholly useless. But he supposed the lawyers of later times thought this form of conveyance was too short, simple, and cheap, and therefore they resorted to another form of conveyance, called a "lease and release." These consisted of two deeds: the lease was a deed of rather considerable length; it was technically called a lease, or bargain and sale for a year, and it was supposed to possess some mystical virtue by which the legal possession of the property was vested in the lessee, reserving to the lessor a reversionary interest which he could release to the party in possession, without the actual livery of seisin. This release recited the title of the party conveying the property, and almost from the time of Richard 2nd, it enumerated the parcels (or premises, the land and houses conveyed) with the most inconceivable verbosity, and contained such a vast number of covenants, that the deed was sometimes of that enormous extent, that the parchments were sufficient to cover the whole of the property conveyed. [The Lord *Chancellor:* In value or extent?] In surface. [The Lord *Chancellor:* Then they would cover a hide of land.] The object of the bill was to remedy this evil, which was a very serious one; and he proposed to do so by having a short form, to which, by act of Parliament, a certain effect should be ascribed. The deed he proposed would be as short as that used in the reign of Edward 1st. It was in a tabular form, containing the names of the grantor, the grantee, the parcels that were to be conveyed, and the consideration for the conveyance. That was all; and by the bill he had the honour to propose, that short deed would have all the effect of a lease and release. The bill would give to certain words a certain effect. He would just give a single specimen of the verbosity which would be obviated by the bill. According to the present form of conveyance, when a man had to convey a piece of ground, after stating that he conveyed a piece of land, the deed went on in this manner:—

> "Together with all and singular houses, outhouses, edifices, buildings, barns, dovecotes, stables, yards, gardens, orchards, ways, paths, passages, waters, watercourses, timber and other trees, woods, underwoods, and the ground and soil thereof, feedings, commons, commons of pasture and turbary, and other commonable rights, hedges, ditches, fences, mounds, bounds, liberties, privileges, profits, commodities, advantages, and appurtenances whatsoever, to the said messuages hereby released, or to any of them, or any part thereof, now or at any time heretofore belonging or appertaining, or deemed, taken, used, occupied, possessed, and enjoyed, as part parcel, or member thereof, or of any of them respectively, or howsoever otherwise, the same messuages now are, or heretofore were tenanted, called, known, or described, situated, lying, being abutted, bounded, divided, or distinguished."

Now, by the bill he proposed to their Lordships, it was provided, that when the grantor should have executed the form prescribed, it should be held and considered to inclose all houses, outhouses, and the whole of those things that were enumerated in the long rigmarole which he had just read. Then, with regard to covenants, his noble and learned Friends were aware, that the deed of release at present contained covenants for title, for quiet enjoyment, for further assurance, and various other covenants that ran to a most enormous length. Now, he proposed an enactment, declaring that when the deed was executed according to the form prescribed, all those covenants should be considered to be involved in it, and that the purchaser should derive all the benefit which he could now obtain from the enormous and prolix forms at present used. He was not aware, that any objection could be made to his bill. He believed, that the lawyers, with that liberality which belonged to them, would highly approve of it. If the stamp duty should be a matter of consideration, it would be quite competent for the Chancellor of the Exchequer, when the bill should reach the House of Commons, to insert a provision which should secure to the revenue the same amount of duty as now—by substituting an additional *ad valorem* duty for the tax which was now paid for the mere use of words. To any such clause, he for one should not object. But while the amount of stamp duty would thus be the same, an enormous saving would be made in lawyers' expenses. Probably some of his noble Friends might object to it, on the ground of its being the introduction of a piece of improved machinery, by which a number of hands would be displaced. There might certainly be in the first instance a number of lawyers' clerks turned out of employment, but it might give them some consolation to know, that owing to the great reduction of expenses, transactions of this kind would be so much multiplied, that they might fairly expect to be fully compensated. He trusted, from this explanation, that their Lordships would give the bill a favourable consideration. It had been prepared by his learned Friend, Mr. James Stewart, and it had been approved of by many other eminent conveyancers. He would on this occasion merely move that the bill be read a first time, and, in order to give ample time for its due consideration, he would not move the second reading until after Easter.

Bill read a first time.

Adjourned.

HOUSE OF COMMONS,

Friday, March 24, 1843.

MINUTES.] BILLS. *Public.*—2°· Factories; Slave Trade Abolition (Bolivia); Slave Trade Abolition (Uruguay); Slave Trade Suppression (Texas).

Reported.—Turnpike Roads.

3°· and passed:—Dogs; Indemnity.

Private.—1°· Argyleshire Roads; Belfast Harbour; Leamington Priors Improvement and Market; Spalding and Deeping Roads; Lough Foyle Drainage; Lagan Navigation; Aerial Transit Company; Clerkenwell Improvement; Players of Interludes; Patent Wood Cutting Company; Great North of England Railway.

2°· Earl of Leicester's Estate; Birmingham and Gloucester Railway; Great Bromley Inclosure; Norland Estate Improvement; Charlwood Inclosure.

Reported.—Grafton Inclosure; Chepstow Water; Sheffield, Ashton-under-Lyne, and Manchester Railway; Imperial Continental Gas; Berkot and Oxford Navigation; Lady Fleetwood's Naturalization; Samwell's Name; Bolton Gas; Ipswich Docks.

PETITIONS PRESENTED. By Messrs. Tancred, Strutt, G. Knight, Scott, F. Baring, G. W. Wood, Aldam, Cobden, C. Wood, H. Lambton, M. Gibson, Stansfield, Ewart, Hindley, and Lord John Russell, from Milsted, Banbury (two), Wareham, Derby (three), Radford Union, Ilfracombe (two), Kendal (two), Chairman of the Newcastle and Gateshead Religious Freedom Society, York, Manchester (five), Portsmouth, Halifax (eleven), Westmorland, Stockport, Chairman of the Committee of the Protestant Society for the Protection of Religious Liberty, Huddersfield (eight), Walsall (two), Pen y-bryn, Llangollen, Diss, Glan-yr-avon Llangollen, Lindley (two); Leeds, Chairman of the Wesleyan Committee, Norwich (two), Leek (three), Stoke Holy Cross, West Bromwich (four), Gloucester, Great Bridge, Protestant Dissenters of the three denominations, Presbyterian, Independent, and Baptist, in and within twelve miles of London, Lowestoft, Secretary of the Baptist Union, Officers and Members of the Committee of the Sunday School Union, Chairman of a Meeting of Protestant Dissenters of Liverpool, and Sittingbourne, against the Educational Clauses of the Factory Bill.—By Lord Ashley, from Lancashire, for Introduction of a Labour-limiting clause in the Factories Bill.—By Sir J. Walsh, from Radnor, against the Ecclesiastical Courts Bill.—By Mr. Cowper, from Ware, against the Income-tax.—By Mr. Brotherton, and Mr. Philips, from Manchester, Great Yarmouth, Jedburgh, Ancrum, Clerkenwell, and Padiham, (24), for the Total and Immediate Repeal of the Corn-laws.—By Mr. Strutt, from Derby, against the Health of Towns Bill.—By Mr. S. Crawford, from Drom, Borrisokane, Loughmore, Newport, Lower Ormond, Knockavilla, and Doneskeigh, for Altering the Law relating to Landlord and Tenant in Ireland.—By Mr. T. Duncombe, from Individuals in the Manufacturing Districts, complaining of the Conduct of the Magistracy during the late Disturbances.—From Sutton Coldfield, in favour of the Dogs Bill.—From Maldon, against portions of the American Treaty.—From Wigan, for the Better Observance of the Lord's Day, and for Extending portions of the Metropolitan Police Act to Country Districts.—From Lover, for Rating Owners instead of Occupiers of Small Tenements.—From Henfynyn, Stoke, Dyffryn Clwyd, Framland, and East Goscote, against the Union of the Sees of St. Asaph and Bangor.—From Chichester, to exempt Literary, &c. Institutions, from Rates and Taxes.

FACTORIES—EDUCATION.] Sir *J. Graham* moved the Order of the Day for the second reading of the Factories Bill.

Mr. *S. Wortley* wished, before the House proceeded to the debate upon this measure, to make a few observations upon the course it would be most expedient to adopt. Assuming that the motion of the hon. Member for Wigan (Mr. Ewart) would be negatived, the discussion would be mainly directed to that portion of the bill which related to the establishment of a system of education for children in factories. There was, however, another part of the measure which was so important, that he apprehended it would be admitted that it was desirable that it should undergo a separate and full discussion. What he alluded to was, the time to be prescribed by this bill for the labour of those who were between the ages of thirteen and eighteen. He might be told, that he could take this discussion in committee, but they could not there raise so general a discussion as might be wished as to the hours. When the right hon. Baronet had proposed to fill up the blank with twelve hours, his noble Friend, the Member for Dorsetshire had announced his intention of proposing that the hours should be limited to ten. He understood, that any hon. Member was competent to introduce another amendment in case the first motion was negatived; but if the first motion were carried, no other proposals could be introduced. He believed, there were many hon. Members who were anxious to express their opinions upon this subject; and he thought it was most desirable that those gentlemen should have an opportunity of an unrestricted and unfettered discussion on all these proposals. His object was to impress these considerations upon the House, and to suggest what would be the most convenient course to pursue, which was this, that before the subject of education was entered upon, there should be an understanding on the part of the House and the right hon. Baronet, that before the Speaker left the Chair, and before they went into committee, they would be allowed an opportunity to discuss those points of the bill touching the time which young persons from thirteen to eighteen years of age should be allowed to work.

Sir *James Graham* assured his hon. Friend that to any recommendation which should come from him, he would be disposed to yield; but his experience in that House had convinced him that a strict adherence to the forms of the House was, upon the whole, the most convenient. They were to discuss this evening the principles of the bill, which were these:—First: Whether there should be any limitation in the hours of labour of children; Secondly: Whether there should be a limitation of the time and hours of work of young persons; and Thirdly: Whether that education, which, under the law, as it now stood, was compulsory, should be aided by the state and under the control of the Privy council. The question raised by his noble Friend was a matter of detail, and he had stated truly that the question of limitation of the hours of labour would arise very early in the bill. It was his intention to fill up the blank with the word twelve. His noble Friend, the Member for Dorsetshire, intended to move that the word ten be substituted. According to the forms of the House the question of the longer time would be put first, and if that were carried, no shorter time could be proposed; but if his hon. Friend were dissatisfied with that decision it was perfectly open to his hon. Friend, on the reception of the report, to move that any other number be substituted. This would be the ordinary course, and it was the best. As at present advised, he could not consent to any lesser period than twelve hours, but when the bill came out of committee, any hon. Member who was dissatisfied with it, could vote against it.

Mr. *Labouchere* rose to ask what were the intentions of the Government as to the future progress of this bill? He was not one who would complain that the Government were asking for any undue indulgence from the House, when they called on it to agree to the second reading of this bill. He thought the principles of the bill, as stated by the right hon. Baronet, were so broad and distinct that the House was as well prepared to agree to them at once as it would be at a future time. Still, he could not but feel that this was a bill of which the details were of the utmost importance; and it was due not only to the Members of that House, but to the constituencies of hon. Members, that the country should have full opportunity of discussing these important details, which, indeed, involved principles in themselves. His object was to ask the right hon. Baronet, or rather to express a hope that he would give ample time, if the House agreed to the second reading, to consider of the details of the measure before going into committee. He trusted the right hon. Baronet, would not object to state, what the intentions of the Government were, with respect to the consideration of the bill in committee.

Sir *James Graham* said, that nothing was more fair than the question of the right hon. Gentleman, and he was extremely glad that the right hon. Gentleman had given him an opportunity of stating to the House what were the views taken by her Majesty's Government with respect to this bill. He thought it was most important that the opinion of the House should be taken on the principle of the bill. At the same time he could not dissemble from himself that the details were, if possible, more important than the principle. Though he objected decidedly to dividing the bill into two parts, for the purpose of discussing its principle; still he thought that course might be adopted with advantage when the bill was in committee. If the House affirmed the second reading to-night, what he should propose was that they should go into committee before Easter upon the manufacturing clauses in the bill, and when they came to the clauses with respect to education, he should propose to postpone the further consideration of those clauses until after Easter. He was very confident, though he might unhappily deceive himself, that the more these clauses were considered—the more deliberately they were weighed—the more deeply would the public be convinced that they had been framed with impartiality, and with a view to the benefit of the people. He fully concurred with the right hon. Gentleman that time ought to be given to consider these clauses, and he hoped that the statement that he had made, of the intention of the Government to postpone the consideration of these clauses till after Easter, would induce the hon. Member for Dumfries not to press his motion for postponing the whole bill.

Mr. *Hume* wished to ask the right hon. Gentleman a question with regard to the principle of the bill. In the first place, he wished to know if all the expenses which would be incurred by the working of the bill were to be defrayed out of the Poor-rates? He disapproved of the entire system of management provided under the bill, for great disapprobation would be manifested if the rates were raised from all classes of the community; and only a portion were to have the management. If a particular class of persons raised amongst themselves a sum of money for the promotion of education, then undoubtedly those persons had a right to the management of the plan; but if a dissenter was taxed for the support of a school, and then was precluded from having a voice in the management of that school, such a bill was manifestly unjust, and the right hon. Baronet would find that, such a plan would give rise to the same sort of discontent, as the imposition of church-rates. He objected entirely to the principle which appointed members of the church as the sole directors. He was desirous that the second reading should pass unanimously, but there would be difficulties in the way of that unless some alteration were made in the proposed system of management.

Sir *James Graham* asked the assent of the House to the second reading, with the utmost latitude as to the decision afterwards, who should be the governing body. If, upon the whole, the House should be of opinion that, the time had arrived when the children in factories should have national aid for their education, the House would decide that which was the great principle of the bill. He understood the hon. Gentleman's objection to be confined solely to the proposed system of management. Now, there could be no doubt that the constitution of the local boards was a matter of immense importance, and deserving of serious consideration, but still it was only a matter of detail, and no gentleman, by voting for the second reading of the bill, would be precluded from entering into the present discussion on any one of those clauses, and opposing the whole of them, if he thought proper. He could not conceive that any Member, by consenting to the second reading of the bill, would fetter himself in the least from entering into the fullest discussion in every part of its details, and if, after the bill should have passed through committee, any hon. Member should feel dissatisfied with the details, it would be perfectly open to the hon. Member so objecting to vote against the third reading of the bill.

Mr. *Hume* wished to ask whether it were the intention of her Majesty's Government, to bring in a bill, to promote education among the other classes of the community? It would be recollected that the right hon. Baronet, after the speech of the noble Lord (Lord Ashley), stated that her Majesty's Government were prepared to give effect to the object which the noble Lord had in view. The object of the noble Lord was not limited to factories, it extended to education in general; and as the right hon. Baronet had stated, that her Majesty's Government were prepared to carry out the object of the noble Lord, he wished to ask whether they intended to introduce any other bill to provide for the general education of any other classes.

Sir *James Graham* said the hon. Gentleman had failed to remember very accurately what passed upon the occasion to which he had alluded. What he had stated was, that the Government contemplated the introduction of a measure to extend the provisions of the Factory Bill to two classes of children. The Factory Act had been brought into operation among four large classes of manufactures, the woollen, the cotton, the silk, and the flax manufactures. He had said that the Government also contemplated the introduction of another measure to extend the operation of the Factory Bill to two other classes of children, those employed in the manufacture of lace, and in the print works. He then went on to state, on the part of her Majesty's Government, that they intended to introduce a measure with respect to pauper children in workhouses, under certain restrictions with regard to locality; in point of fact, confining the operation of the bill to large cities. So far, however, from the Government intending to deal with the education of the great body of the working classes, without local distinction, he stated on that occasion, what was still his opinion, that such a measure would be a signal failure, and that the only chance of success, in any measure which might be adopted, would consist in its operation being confined, as he had stated, to the large classes of the community. He was quite sure that he had accurately stated what passed on the occasion in question, and that he represented the present views of the Government in relation to that subject when he said, that they were not prepared to introduce any other measure on the present occasion.

Mr. *C. Wood* was sure that the right hon. Baronet's expression as to the conduct of this bill would be received generally with great satisfaction. To the principle involved in the second reading, as the right hon. Gentleman had stated it, hardly any one would object. With regard to the education of the working classes, which was to be compulsory, being aided by the state, very few in that House were prepared to deny the propriety of that plan. The proceeding suggested to the right hon. Baronet of postponing the details of those clauses till after Easter was wisely adopted, for he believed that it would facilitate the carrying of proper clauses, by giving time for discussion. Her Majesty's Government must be aware that the dissenting body, he would not say whether rightly or wrongly, were excited in consequence of their apprehensions. From some statements received from them he believed that they were under some misapprehension: if this were so, time would remove that alarm, and they would be better able to consider these clauses more calmly and deliberately. No one was more anxious for a general system of education than he was. That there was a great practical difficulty attending the subject no person would deny, and he thought it could be only overcome by a determination to provide some system that might be carried into effect without exciting objections of a conscientious nature. He thought it would be unwise at that moment to enter upon a discussion of these important clauses. By delaying, then, till after Easter, representations could be made upon the subject to the Government, which would have more force in inducing them to make such alterations as might be deemed necessary, than any arguments which could at that time be used in that House. With this understanding, that there should be full power to discuss every part of the measure in committee, he for one was ready to agree to the second reading of the bill.

Mr. *Hawes* was not disposed to look upon the bill with the same satisfaction as his right hon. Friend the Member for Halifax. He agreed to a certain extent with the hon. Gentleman opposite. His hon. Friend stated that it was intended by the bill, that the funds of the nation should be applied to the benefit of certain parties in the factory districts; but he could not overlook an important portion of the bill, which placed the education of the people wholly at the mercy of the Church. To that, as a principle, he intended to give his utmost opposition. If the second reading of this bill were taken that night without being considered as any compromise whatever with respect to the education clauses, he had no objection, on those terms, to consent to the second reading of the bill, not sanctioning the general principle which ran through those clauses. The right hon. Baronet entertained the hope, that the delay would remove the objections to the education clauses; but he consented to the second reading to delay those clauses, because he believed that the more they were understood the more vigorously they would be opposed.

Mr. *C. Wood* explained that the great principle of the bill was, that the education of the factory children was to be aided by the State—to that principle of the bill, and to that only he was pepared to consent; further he would not allow that his vote should go.

Mr. *H. Lambton* having presented a very important petition from the Wesleyans, wished to make one observation. He thought the proposition of the right hon. Baronet a very fair and reasonable one. He had had an interview that morning with a leading Wesleyan to whom he expressed the opinion, that he thought if the Government would consent to put off all these educational clauses until after Easter, he would attain his object of delay, and ought to be satisfied. The reply of the Gentleman was, as he understood it, that that would satisfy him. The hon. Member for Lambeth talked of this bill placing the people and Dissenters at the feet of the Church, but surely that would depend on the educational clauses, especially the clause with regard to the composition of the board of trustees. All this might be altered in committee, so as to satisfy the Wesleyans in whom he openly professed to take a deep interest.

Mr. *Stansfield* said, that the bill had created considerable consternation in the manufacturing district which he represented. It would give great satisfaction if more time were allowed, and he hoped the right hon. Baronet would postpone the whole bill till after Easter.

Mr. *Brotherton* thought that the parts of the bill which related to the labour of the children might be considered now, but the education clauses might be postponed till after Easter; they would then be considered by the country, and of course some modification might be expected.

Mr. *Ewart* said, that the object of hon. Members on his side of the House, was to give time for mature consideration. The right hon. Baronet said, that by allowing this time, the justice of his clauses would be most strongly felt, whilst he and his friends thought that the more time was given, the more would the justice of the opposition be acknowledged. He concluded from what the right hon. Baronet had said, that if the House assented to the second reading of this bill, it would be perfectly in their power, when in committee, to discuss what many considered the most important principle of the education clauses, namely, how far the factory education of this country should be transferred to the hands of the church. He understood that this discussion was to be fully open to them; and he was perfectly willing to withdraw his motion, on the arrangement that they should take the discussion on going into committee, or on those clauses in committee to which objection was made.

Mr. *M. Philips* thought it desirable to divide the bill into two parts, and from communications he had received since the first short discussion, he was convinced of the propriety of that recommendation. He did not say this with the slightest view of obstructing that part of the bill which related to the working of the factories. Although his opposition was not so strong as to lead him to divide against the second reading, when his hon. Friends thought it should pass, yet he would have wished that more time had been given to the operative portion of the people to see how the bill would affect them, for they, and they principally, ought to be consulted. He entertained the strongest objection to the education clauses. The great body of dissenters whom he represented, and a great portion of the Catholics, were opposed to these clauses; for although the clauses exempted the Catholics from the compulsory religious education, yet these clauses held out a temptation to parties to stretch their consciences upon matters of religion to secure the welfare of their children—under the guise, therefore, of giving education to the infant factory children, they were recruiting for members of the Church of England. Great objection to these clauses was entertained by all conscientious dissenters.

Lord *John Russell* thought the House would be fully aware, after the declaration of the right hon. Baronet, that by assenting to the second reading of this bill they were only consenting to the general principle of the bill. Reserving all details for consideration in committee, he for one said, that placing the education of factory children under the control of the Privy Council was a principle which he was ready to affirm: and hon. Members would be perfectly consistent in afterwards altering that or any other part in committee. The hon. Member for Dumfries, in withdrawing his motion, thought that the House should agree to the second reading without further discussion. He did not think it would be for the public advantage that this course should be adopted. He thought, that if any hon. Gentleman had any grievances to state from Dissenters or others, they deserved to be stated to the House, and he thought, also, that the right hon. Gentleman who introduced the bill should state his reasons why these were not, in his opinion, sound objections. As far as the objections had reached him, they went principally to two parts of the bill. The first was, that it was supposed that by the clauses of this bill the education was too much, if not entirely, under the control of the clergy. The second objection raised by the hon. Member was consequential upon the first, and it amounted to this, that the education proposed by this bill, being Church education, Dissenters from the Established Church would be called upon to pay the expenses of maintaining a system from which they derived no benefit. He had no doubt, that if the right hon. Baronet could not dispel all the objections raised to the proposed plan, yet that he could shew, that the apprehensions of the hon. Gentleman were not warranted by the provisions of the bill. At all events, he thought that it would be most desirable that, the objections which it was intended to raise in committee should be now stated, in order that the right hon. Baronet might be prepared to determine on some line of conduct in reference to them; and in order also that he might determine what should go forth to the world as the reasons on which the Government founded this measure. He was, for his own part, most anxious that the bill should work well and satisfactorily through the country. The greatest misfortune of all would be, that Parliament should be placed in such a situation as to be unable to do anything to advance the cause of education; but second only to this would be the calamity resulting from their passing a bill which should give rise to feelings of religious animosity, or which should produce sentiments of bitterness on such a subject as education. He trusted that by a temperate discussion of the principles and the details of the present bill, the House would be eventually enabled to adopt such a measure as would afford general satisfaction to the country, and as would lead to a general and improved system of education.

Mr. *Hindley* thought with the hon. Member for Manchester, that it would be extremely desirable to divide the present bill into two parts. Thirty of the

115 clauses which it contained involved principles to which he could not give his assent; and, above all, he thought that the interests of the Dissenters were not sufficiently considered. In the neighbourhood in which he lived the Dissenters formed a most important portion of society, and the condition of their education was not so miserable as had been described, for their Sunday schools and scholars were more than double the number of those of the Church. The bill itself involved principles various in their nature, but of extreme importance. To those clauses which gave to a board of education the management of the new system he had the most positive objection.

The Order of the Day read.

On the question that the bill be read a second time,

Mr. *Ewart* said, that understanding from the noble Lord that he thought it desirable that the discussion should be taken on this measure now, however inconvenient that course was to himself, he felt unwilling to postpone to a subsequent day the statement of his objections to the bill. The number and the importance of the petitions which had been presented upon this subject, showed the interest which was taken and the opinions which were entertained amongst dissenters in reference to it. He begged to call the attention of the Government to the short period of time which had elapsed since this bill had been before the House — barely three weeks, and to ask whether, in the case of a bill so important, involving principles of such general interest, this was deemed a sufficient time for the consideration of its voluminous details. His own views led him to wish that in the introduction of a general system of education into the country, care would have been taken to exclude from it all matters of theological discussion. He believed that this measure was founded upon principles involving theological as distinguished from mere religious education, and that it was likely to excite sentiments of animosity amongst the community, and would not advance the general cause of education. The dissenters of this country had not been idle in the cause of education. He begged to refer to the number of schools which the dissenting body had established, and to express a regret that the right hon. Baronet had not paid some more respect to the individual opinions of those persons, than the clauses of this bill appeared to indicate. Petitions had been presented from every denomination of dissenters on this question. The Wesleyans, who generally leaned with a kind of kindred feeling to the Church of England, had made their wishes known unfavourably to this bill, and indeed he hardly knew a sect of dissenters, from the Wesleyans to the Unitarians, who had not expressed similar views. His first objection to this measure was, that it interfered in a most important manner with the theology of this great question. He cordially united in the feeling of the connection between religion and education, but there was as great difference between theology and religion as there was between law and justice. He deprecated any measure which would have a tendency to introduce the brand of theological discord into a discussion upon education. He begged to remind the right hon. Baronet of the mode in which religion had been hitherto connected with education. Two modes of introducing religion into a system of education had been adopted in Ireland. One mode consisted in the use of those portions of the Scriptures which were agreed upon commonly by various denominations of Christians; another mode consisted in this, that in the schools the education given was purely secular, while that portion of the system which partook of a religious character was administered by the different ministers of the congregations to which the particular pupils belonged; and these were both of them systems by which differences of religious questions were avoided. Until he was thoroughly convinced of the harmlessness of the clauses of this bill in the particulars to which he had alluded, he should not give the measure his support. But he objected to the educational clauses of the bill, because they were conceived in unfairness towards a large portion of the community. He referred more particularly to that part of the bill which invested in trustees and councils the control of the provisions to be made for the purposes of education. They were, under these clauses, to have clerical trustees, and to this the dissenters had the strongest objection; but the clerical trustee was to be assisted by two churchwardens, necessarily members of the Church of England, and by four other persons, to be selected by justices in petty session. Thus each board was to consist of seven persons, no one of whom would necessarily be a dissenter; and he begged to ask whether, consistently with the position of the dissenting body, this was an arrangement which could be deemed to be sanctioned by justice or fairness? One of the petitions which had been presented complained that it was impossible that any of the masters who should be appointed even should be dissenters, and, having read the bill he believed that such was its provision. The master was to have the care of not only the secular, but the religious education of the people. He was to be employed to read and to teach the Bible; and this, he maintained, involved the necessity of his superintending the religious education of his people. He objected, on the ground of religious partiality, to the teaching of the Bible to all dissenters, and on the ground of respect for that holy book, to its being read merely, without its purity and spirit being impressed on the minds of the pupils; for he agreed with Mr. Allen, who had evidently written under the influences of pure religion, that the Bible ought not to be made a mere school-book. He now came to that part of the bill by which the Catholics were excluded from the benefits to be conferred by its provisions, and he would, as an argument, not only on this particular subject, but upon the whole scope of this measure, call the attention of the House to the great prevalence of the Catholic religion, and of dissent from the established religion of the country, amongst the manufacturing districts. The report of Mr. Horner showed the vast preponderance of the numbers of dissenters over those of Members of the Established Church in those districts. He said, that upon an inquiry which he had instituted, it appeared, that out of sixty-three factories, the masters of thirty-six were Members of the Established Church, and the remaining twenty-seven were dissenters of different denominations. By the thirty-six masters, 6,576 workmen were employed; by the twenty-seven dissenters, no fewer than 14,000 persons were employed. These were circumstances which showed how vast would be the number of Dissenters amongst the persons to be educated under the new system, as compared with the Members of the Church of England. With regard to the Catholics, their numbers increased in a higher ratio than those of any other class. On this part of the subject, he would also refer to Mr. Horner's report. Speaking of the districts of South Lancashire, he said, that the present Catholic population of Ashton, Staleybridge, and Dukinfield was 6,500, all of them being of the humbler class. He then went on to state the comparative means of education at present existing in those towns for Members of the Established Church, Dissenters, and Catholics. In the three towns already named, he said that the Sunday schools of the Established Church were five only in number; of the scholars there were only 3,100. The Dissenters had twenty-three Sunday schools, and there were 7,025 scholars. The Roman Catholics had three schools, with 850 pupils. This was the calculation down to the month of January last. At Oldham, the church Sunday-schools were three in number, the scholars 1,400, the Dissenters' schools were nineteen in number, the scholars 5,400. He thought, that when numbers so large as these were to be left unprovided with education, a plan more nearly resembling a centralised plan than this semi-national system should be introduced. Mr. Horner, in his report, recommended an extension of the British and Foreign, and of the National School system. It was to be recollected, that the scheme was to be paid for out of the general national funds, or by local taxation —by the advances of the State, or by the contributions of the rate-payers. It would have been better, he thought, if the rate-payers had been allowed to have some voice in the selection of the trustees and council. Another objection which he entertained to the bill was, that its provisions were incomplete. If he might venture to give his own idea of the plan of education to be adopted, he must say, that he should have suggested a system founded upon different grounds to those selected by the right hon. Baronet. He would not have begun at the circumference, and so have drawn lines to the centre; but he thought, that it would have been much better to have adopted an improved system of training masters, which he deemed to be necessary to the vitality of the principle of national education, and so have brought about such a state of things as now existed in Germany. The system which had been introduced by the late Government might have been extended; the Government might have adopted a system which had for its object the supplying of books. Of all the systems which had yet been tried, two only had succeeded—the central and the voluntary, These principles, as carried out in France and Prussia, he thought were inconsistent with the position and standing of the people of this country. In America, a system partaking of both characteristics had been adopted, and with success. A report was made to the senate of the progress of education, and of the steps which it would be desirable to adopt. This was a system, the introduction of which into this country he thought would be attended with the best results. The greatest encouragement should be given to the voluntary principle, and by the establishment of a central board or controlling power, the country might easily become acquainted with the progress made in the advancement of learning. Unless the right hon. Baronet could show better reason than he (Mr. Ewart) believed that he was able, for the adoption of the principle involved in these clauses which had already produced so much religious excitement, he should, when they went into committee, give his utmost opposition to them. The feeling out of doors was very strong against these clauses, and they never would satisfy the community for whose benefit the measure was intended.

The Earl of *Arundel and Surrey* was understood to say, that he thanked the noble Lord who had directed the attention of the Government to the great want of education in the manufacturing districts, which had led to the introduction of the bill which had been brought forward by the right hon. Baronet. Generally speaking he approved of the bill which he believed was intended to be drawn with great fairness, but there were some of the clauses which he trusted the Government would reconsider. As a Roman Catholic, he felt bound to declare that as long as there was a church establishment it must be predominant, and must also of necessity be administrative in any system of general or national education which Parliament might establish. At the same time he asked for a full and secure protection for those who were not of that Church. He begged to ask what was meant by the words "teaching" the Scriptures; whether it were merely meant "reading" the Scriptures, or were intended to imply that the Scriptures were to be expounded in the schools? If it was intended to expound them, it was impossible to entertain the idea for one moment. He was anxious that no suspicion even of such an intention should be entertained, as it would militate against the usefulness of the measure. As regarded the non-attendance of Roman Catholic children at the divine service of the Protestant Church, it would be considered a great grievance, should it be necessary for the parents, or next of kin of those children, formally to object to their attendance, and he trusted the right hon. Baronet would introduce a provision to the effect that children registered as Roman Catholics, or baptized as Catholics should, as a matter of course, be allowed to absent themselves. The clause in favour of Catholic schools, in the first instance, appeared to be fair; but it stipulated that those schools should be efficiently conducted, and he feared that, from poverty and want of funds, they might not correspond to that description in the judgment of a Government inspector. He would venture to suggest, that it would be proper to make a small grant of money in support of some of the Roman Catholic schools, several of which were very badly circumstanced. As the Roman Catholics contributed their share to the poor-rates, which were to defray the expences of education, he thought it would be only just that they should derive some assistance from the same source. Generally speaking they were a poor class—they had to support their own clergymen and chapels, and were in many instances unable to build school-houses; as a proof of that, he had only to observe that in several places they were obliged to hold their schools in the crypts under their chapels. He gave the right hon. Baronet credit for having intended to frame his bill with as much liberality as he conscientiously could, but there were some parts of the bill, if the right hon. Baronet did not think himself justified in altering them to which he should move amendments in committee.

Mr. *G. Knight* was sure, that every Member in that House must have listened with gratification to the fair and liberal manner in which the noble Lord who had just sat down had, as a Catholic, addressed himself to the subject. He trusted the noble Lord would be met with a corresponding spirit, and he quite agreed with him that it would be the duty of all parties not to attempt to make proselytes in the schools. If that attempt were once detected, all confidence would be at an end, and the schools would not succeed. The hon. Member for Dumfries had complained of the right hon. Baronet for having introduced theological disputes into this question, and wished to put an end to them in rather a summary manner, by excluding religion altogether, at least from the schools. But he trusted, that this

House would never sanction a purely secular education—he trusted it would never sanction any system of education which was not based on religion. The hon. Gentleman had adverted to the feelings of Dissenters, not quite, perhaps, in the tone of forbearance which had been admitted to be desirable in discussing this question. He told them, that the Dissenters viewed the plan proposed by Government with aversion and alarm; and regarded it as the total destruction of civil and religious liberty. On the other hand, he could assure the House that a portion of the Church were no better pleased. He would read a short extract from the provincial paper of the county which he had the honour to represent. A leading article in that paper said:—

> "We confess we do not like the project, so far, at least, as we have been able to form an opinion upon it. If the Church is the pillar of truth, why not provide that the doctrine of the Church shall be the true religion to be taught? Instead of this, however, the whims and caprices of ignorant persons were to be consulted, and the teaching of truth is to be suppressed, it appears, if required by them, in deference to their prejudices. This pseudo-liberality will never do."

The *English Churchman* said,—

> "If this be the Conservative way to educate and to bless the people, and to elevate the depressed church, may God, in His goodness, shield us therefrom;"

to which the *Nottingham Journal* devoutly added, "Amen;" so that the House would see that a portion, he trusted not the larger portion, of the Church were equally dissatisfied. Why had he read these extracts? Because he might indulge the hope that when the hon. Gentleman, the Member for Dumfries was informed of these things, and when the Dissenting body were informed of these things, if they were not the most unreasonable persons in the world (which he should be loth to think them) they would perceive, not only that there was no intention of using them ill, but that as much was proposed to be done for them, as there was a chance of making the law of the land But what was the inference which he was disposed to draw from the opinions of the extreme *gauche* and the extreme *droit?* opinions conflicting with each other as to the grounds of their opposition, but uniting in their condemnation of the plan. Why, the inference which he was disposed to draw was, that the Government plan was the *juste milieu*—the golden mean, the even-handed justice, which moderate men would do well to support. Did they not agree, the last time this subject was discussed, that they must all make concessions? Did they not congratulate themselves on the freedom from acrimony and party feeling which prevailed on that occasion? He trusted, that they would return to their first impressions; and that the important subject now before the House would be discussed, in all its future stages, in the same spirit in which it was commenced. In saying what he did now; he by no neans pledged himself to support the measure in all its details. He might wish to introduce some alterations, but the proper time for that would be, when the bill was in committee. He felt obliged to the Government for having at length addressed themselves to the cure of a great evil; but whilst he thanked them for seeking to introduce education into factories and workhouses, he could not help expressing the hope that, before it was long, they would extend their care to the children of the rural population. For, though he admitted that much had been done, and much was doing, yet he knew that the necessity in the agricultural districts was far too pressing and too extensive to be met by individual exertions. Affluent proprietors built schools in their own villages; subscriptions might be raised on particular occasions, but there were extensive rural districts in which there were no affluent resident proprietors, and the voluntary principle could not be relied upon for providing the large and permanent income, by which a general system of education would be maintained. He spoke with some confidence on the subject, because he had been, for some years, not an inactive member of not an inactive diocesan board of education. Now, the House would observe that, where such a society as a diocesan board existed, the experiment of the voluntary principle was tried in the most favourable manner—because, in that case, the voluntary principle was not left to itself, but was influenced and stimulated by frequent appeals; yet, he must say, that if the board to which he alluded had effected some good, and had been supported to a certain extent, yet it was a constant source of regret to the members of that board to be aware of the wants by which they were surrounded, and of the utter inadequacy of any means which they could command to afford a remedy. He repeated that the necessity far exceeded the powers of individual exertion. If it was really intended that there should be a general system of education, it could only be effected by legislative interference. The hon. Gentleman, the Member for Dumfries, had alluded to the subject of trained masters. He agreed with him in thinking that better masters were desirable; but here lay the difficulty. How was the salary of trained masters to be provided in small villages where there were no affluent resident proprietors? How would you raise 70*l.* or 80*l.* a year for the master's salary in one of those small villages? In some cases you must be satisfied with schools of a humbler description; but the best way in which the difficulty could be met would be, whenever two or three villages lay near enough together, in such localities to have district schools, which might be supported at the common expense of the parties benefited, and to which the children of the different villages might resort. There were other topics connected with that subject to which he would advert, but he would not trespass further on the indulgence of the House. He only trusted that something better than legislation would result from these discussions. Good laws were not sufficient in themselves. He trusted that, in consequence of these discussions, the whole community would be impressed with the importance of the subject; that they should all feel conscious that, from their own neglect, a great evil had been permitted to exist; and that all of them, in their several localities, whether as landed proprietors or master manufacturers, should feel it an absolute duty to apply themselves, to the utmost of their power, in removing that evil, and in imparting the blessings of education to the rising generation.

Mr. *Hawes* hoped, with the hon. Member, that the bill would be discussed in a spirit of amity, and without regard to party considerations. In offering his opposition to some parts of the bill, he did not think that he could be considered as in any way an opponent to the establishment of a general system of education throughout the country. He recollected the opposition of the present Government to the plan proposed by their predecessors with respect to the educational board of the Privy Council, but he did not think that they should be charged with being the enemies of education on that account. He did not conceive, that he should compromise his opinions by assenting to the second reading of the bill, but he should certainly oppose several of the clauses when it got into committee. He trusted, that these clauses would be re-considered by the Government, for, as they stood, they would be most strongly and most justly opposed by the Dissenters. His own opinion was, that this measure was a revival of the bill of Lord Brougham, of 1819, which was discussed at great length, and was rejected, chiefly on account of the strong opposition of the Dissenters, who objected to it on the same grounds that they were opposed to this bill. The present bill, however, in some of its objectionable clauses went beyond the bill of 1819, and he had no doubt, would excite an equal or even a greater degree of opposition. By the present bill it was proposed to constitute a trust, and by means of it to give the direction of the whole of the education of the country to the Church; and thus sacrifice the interests and the conscientious feelings of Catholics and Dissenters. In nearly every case the Church would have the complete control for laying down the plan of education in these schools, and the Legislature would thus give it the control over that portion of the national funds to be devoted to the purposes of education. He had received a letter from Rochdale, in which the writer informed him that the bill would excite a stronger feeling against the poor's-rates, for from that source the education funds were to be taken, than at present existed against Church-rates, and he knew several persons who were determined rather to have their goods seized than pay towards this education fund. He thought, that the opposition that had been excited against a scheme of education, might easily have been avoided by adopting either one of three courses. The Government, for instance, might have adopted the plan of the Irish national system of education, to which he presumed the noble Lord, the Secretary for the Colonies, would not have objected. Secondly, they might have adopted a system with a popularised system of trusts, and by leaving the appointments of schoolmasters, &c., to the open vestries. The other course which he would suggest, was, that which he thought would be ultimately adopted—namely, that a certain board should be constituted in each district, and that this should have control merely over the finances, and that it should apportion the money to the different schools in the district, in somewhat a similar manner as the committee of the Privy Council did with the Parliamentary grant. He wished, with respect to the present plan, the Government had proceeded in the principles which he found embodied in a speech made by the right hon. Gentleman at the head of the Government, in 1815. He said,—

"No man could be more sensible than himself of the advantages that would result to Ireland, from the general diffusion of education. In making that statement he wished to be understood, that the benefit ought to be restricted to no particular sect—no distinction whatever ought to be observed. He was confident, that it was the only measure to which Parliament could look for the introduction of habits of industry and morality, among the lower orders in Ireland; and when they considered the avidity which, to their infinite credit, was shown by the lower orders of the population of Ireland, to avail themselves of any means of instruction that were afforded them, it would be a reflection on Parliament, if, by any ill-judged and miserable parsimony such means were withheld. It had been his misfortune, in the discharge of his official duty, to be compelled to introduce into that House measures of a temporary nature, to remedy existing evils in Ireland. But in doing so he was satisfied that those measures must of necessity be temporary; and that they could weigh nothing in the scale, compared with the duration and effect of measures of a more general nature. After adverting to the previous reports of the commissioners, appointed to inquire into the existing abuses in Ireland, and to the legislative measures that had been founded on them, he remarked, that the last report of those commissioners suggested a general plan for educating the poor in that country. The reason which had induced him to forbear from introducing that plan to Parliament in the shape of a bill, was, not any insensibility to the advantage of general education; but an apprehension that the plan of education, advised by the commissioners, would not be advantageous. The report recommended, that the Lord-lieutenant should appoint commissioners for the superintendence of the education. Now, he was afraid, that this direct interference of executive government would tend to excite jealousies that would counteract the benefits that might otherwise be expected from the measure. After due deliberation, therefore, he felt himself fully warranted in forbearing to introduce to Parliament the system recommended by the commissioners. He conceived, however, that the vote which his right hon. Friend meant to propose would by no means involve the evils which he had just described. He was convinced, and he avowed it without hesitation or reserve, that the only rational plan of education in Ireland, was one which should be extended impartially to children of all religious persuasions—one which did not profess to make converts—one which, while it imported general religious instruction, left those who were its objects to obtain their particular religious discipline elsewhere. On this subject it was unnecessary for him to dilate. The days were passed when there existed a prejudice against the general education of the poor. Conclusive proofs had been afforded that the manner, character, and habits of a people improved precisely in proportion to the diffusion of knowledge among them, by rational education. One argument which had been urged against the liberal system in Ireland, appeared to him to prove directly the reverse of that which it was intended to establish. It had been said, that in times of public agitation in that country the schoolmasters had, by their influence among the lower orders, materially contributed to the evils of those times. But to what was that influence to be ascribed, but to their greater information? If the lower orders, instead of being kept in extreme ignorance, were allowed the means of obtaining information, they would not so easily be operated upon and misled. To the slow and gradual progress of reform among the people of Ireland, Parliament must look for a durable improvement in their character; and he could not conceive a more certain mode of affecting this most important object, than by adopting a judicious plan of general education."

And the right hon. Baronet afterwards explained,—

"As a proof of the impartial diffusion of education to all sects in Ireland, that when Dr. Bell repaired to that country a short time since, and the children were examined before him to show their progress in reading, some of them refused to read in any other Testament than their own, and the schoolmasters stated, that they never checked this independence, and never interfered with the sentiments and persuasion of their scholars."*

Now, this bill was not founded on any such principles, for it gave the trustees, composed chiefly of one sect, the whole power over the discipline and the selection of books for the schools. There were great numbers of Dissenters who could not avail themselves of these schools, and who considered the formation of them as casting a stigma upon them. It should be recollected also, that it was to the Dissenters, and not to the Churchmen, that the present state of the voluntary education in this country was owing. The 58th clause of this bill proposed a most objectionable interference with Sunday schools, for by it the scholars of the schools under this bill were obliged to attend three hours a-day on Sundays, to be taught the Church Catechism. It was reported that the Wesleyans were to be exempted from the operation of this bill; if this was the case, it was an improper mode of showing favour, and would be an additional ground of opposition to the bill.

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* Hansard, vol. xxxi. p. 878.

Sir *James Graham:* Sir, I am desirous of addressing a few words to the House before the present discussion comes to a close, because I am naturally anxious that the measure which I have had the honor of introducing should have a fair chance of success. I hoped, after what took place in the early part of the evening, that the second reading of the bill would have been allowed to take place without any angry debate relative to the details of the measure. In this expectation I have been somewhat disappointed by the speech of the hon. Member who has just addressed the House. I will, on no account, attempt to follow the hon. Member in some of his remarks. I must say, I think that the hon. Member has, perhaps, without intending it, indulged in a degree of personal taunt in some portions of his speech; and, if the debate should be carried on in a similar spirit, the discussion would, I am afraid, produce anything but amicable feelings. I will shortly notice some of the points adverted to by the hon. Member, and in doing so, I will endeavour to avoid saying anything that can be construed into an angry retort. The hon. Member referred to some opposition which was given by me, and those with whom I act, to the controlling power of the committee of Privy Council, as it stood in the first education scheme propounded by the late Government. The hon. Member must remember, that by that scheme, religious instruction was designedly excluded from the plan of education in the normal schools, and to that arrangement I was entirely opposed. Objections were also taken with respect to the power of the committee of Privy Council, and of the inspectors; and the hon. Member must be perfectly aware, that the result of the controversy was a compromise. The late Government, much to their honor, agreed to an arrangement, by which the inspectors who were appointed to superintend the education in the national schools, should receive their appointments subject to the sanction of the Archbishop of Canterbury; whilst the inspectors of the British and Foreign Society's Schools were to receive their appointments independent of any such sanction. That arrangement was accepted by the party with which I have the honor to act, and it has been carried with success into execution. Not only did that arrangement receive our sanction when we were in opposition, but since we have been in power we have strictly adhered to it, and I hope that the conduct we have pursued both with respect to the national society, and the British and Foreign School Society has demonstrated our impartiality, and a sincere desire to act justly. I must observe, in passing, that the hon. Member has dealt unfairly both by my noble Friend the Member for North Lancashire, and my right hon. Friend at the head of the Government. The hon. Member said, that in lieu of the measure which I have had the honor of submitting to Parliament, I might have proposed to establish in this country the system of education which prevails in Ireland; and he added, that to that course it would be impossible for my noble Friend, the Member for North Lancashire, to object. Now, I am sure, the House and the country will do my noble Friend the justice to remember, that when the Irish system of education was under discussion in Parliament, he never failed to declare, in the most marked and decided manner, that he defended the application of that system to Ireland on the ground of the peculiar circumstances of that country, and that it must not be supposed that he considered the system in the least degree applicable to the circumstances of England. The passage which the hon. Member quoted from a former speech of my right hon. Friend at the head of the Government had also exclusive reference to education in Ireland. I am quite sure that my right hon. Friend, on hearing his sentiments thus unexpectedly quoted, is quite ready to adopt them, as still embodying the principle on which he has acted and continues to act with reference to education in that country. The hon. Member has stated, that he thinks that the plan I have had the honor of introducing, sacrifices Dissenters and Roman Catholics to the Church of England. Now, I heard, with peculiar pleasure, the declaration made by the noble Lord who sits immediately behind the hon. Member, I mean the noble Lord the Member for Arundel, which is in direct contradiction to the assertion of the hon. Member. The noble Lord, with a degree of liberality which does him the highest honor, and for which I must be allowed to express my grateful acknowledgments, declared that he conceived my proposition to be framed in a just and fair spirit; and added that, recognizing the existence of an Established Church in this country, he did not think it possible for the Government to bring forward a measure of so extensive a character as this, with reference to the education of the people, without placing reliance in a great degree on the administrative power of the Established Church. The noble Lord expressed his apprehension, that owing to the peculiar circumstances of Roman Catholic schools in the manufacturing districts, rigid inspection, if conducted in an hostile spirit, might call their efficiency into question, and thereby extinguish their existence; thus placing the Roman Catholics in the unfair position of either being compelled to send their children to Protestant schools, or to renounce the advantage of profitable employment for them in factories. I can assure the noble Lord, that the inspectors acting under the direction of the Privy Council would violate their duty, if they applied to Roman Catholic schools an unfair test, without reference to the limited means at the disposal of the Roman Catholic body. Nothing of the sort is contemplated; and it is expressly provided, that the inspectors shall not inquire into the scheme of religious instruction adopted with reference to children who are not members of the Established Church. The noble Lord and other hon. Members, have asked what is the meaning of the words "teaching the Holy Scriptures," which are used in the seventh clause? I understood the noble Lord to say, that though some Roman Catholic parents might object to their children reading the authorized version of the Scriptures, yet he thought their scruples might be overcome if they were assured that, under the words "teaching the Holy Scriptures," no covert design of proselytising lay hid. The phrase "teaching the Holy Scriptures" has been pressed on my attention, not only on the present occasion, but in private communication from various quarters. When I formerly addressed the House upon this subject, I stated, that amongst the improved methods of teaching recently adopted if not the best, yet amongst the best, was the mode of simultaneous instruction given to children assembled in large numbers. I will now refer to the system adopted by the British and Foreign School Society; a society which, speaking generally, I believe, may be said to possess the confidence of the Dissenting body. Under the system adopted by this society, it is provided that the Scriptures shall be read in all the schools, whilst any thing like an attempt on the part of the master to instil into the minds of the scholars particular religious opinions shall be carefully avoided. I hope the House will allow me to call their attention to what I conceive to be, with reference to the point under consideration, most important evidence given by a gentleman who enjoys the unlimited confidence of the British and Foreign School Society; I mean their secretary, Mr. Dunn. This very point as to the meaning of the phrase "teaching the Holy Scriptures," was raised before the committee on the education of the poorer classes in 1838. Mr. Dunn, being under examination, had the following questions proposed to him by various Members of the committee.

> "Mr. Wood—Does the master explain the Scriptures to the children in your schools?—He interrogates them as they read daily, on the plain and obvious grammatical meaning of the text.
>
> "According to his own understanding of that text?—It must be so."
>
> "Lord Ashley—But what would be the view taken by the directors of the British and Foreign School Society, if they found that the master did set right this child upon a point which he thought essential to salvation?—They would hold it to be his duty to confine himself to the simple teaching of the Scriptures."
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> "The Chairman—If the master were to teach the children in the school a peculiar creed, would that be acting contrary to his duty?—He would be acting quite contrary to his duty if he were to impress upon the minds of the children any views peculiar to him as an Independent Baptist or Dissenter; but I think the reason why there is so little difficulty in the working of the plan is, that there is very little difference among the bodies themselves, so far as the essential truths of Christianity are concerned. There is no difference whatever between the Church of England and the great body of Wesleyans and the Dissenters upon these points."

The next question referred to the precise view that was taken of the meaning of the word "teaching."

"Sir Stratford Canning—Is it or is it not the positive rule of the British and Foreign schools, that the Scriptures should be given without any explanation on the part of the teacher, or is he left to judge when an explanation should accompany the passage or not?—He is left to judge as to the kind of explanation which should be given. The children are interrogated always as to the meaning of what they have read.

"Lord Ashley—As to the doctrinal meaning?—I scarcely know to what extent that is to be understood, inasmuch as the doctrinal points are taught as well as the practical, and as the plain and obvious meaning of the text is required, the doctrines are certainly taught in that way. We do not recognise the schoolmaster as a commentator, but we do recognise him as a person bound to see that the child takes up an idea, and does not merely read the words."

I know no language which can more accurately express my meaning of the phrase, "teaching the Holy Scriptures," than that employed by Mr. Dunn in the last answer which I have read. But, i may be said, that this will practically lead to proselytising. Mr. Dunn was asked a question upon that very point. The chairman said:—

"The master asks if the child understands the passage, and if not he explains the great doctrine contained in it, but in such a manner that the master shall not impress on the child any peculiar creed of any one sect of Christians. Is it so?"

Mr. Dunn's answer was this:—

"He simply takes up the obvious grammatical meaning of the text of the authorised version."

I have now stated to the House the sense in which the phrase, "teaching the Holy Scriptures," is understood by the British and Foreign School Society. I feel all the disadvantage I labour under in being obliged to refer to details at all upon this occasion. It is unjust to the measure to compel me to do so. The noble Lord, the Member for the city of London is, I believe, friendly to this measure, but I regret the advice he offered to the House, to enter upon a discussion with respect to it at the present moment. Feeling all the inconvenience of referring to the details of the bill before it has gone into committee, I must, nevertheless, in consequence of what has fallen from hon. Members, allude to one or two points. It is not correct to say, that by this bill Dissenters are sacrificed to the Church. Although it is indispensable that the masters should be capable of instructing the children of members of the Established Church in the Catechism and Liturgy, yet ample precautions are taken to prevent the abuse of his authority by any attempts on his part to proselytise. The master is removable by the committee of Privy Council, on the complaint of any one trustee. There is another point to which the hon. Member for Lambeth referred, and upon which I am anxious to offer some explanation. The point in question is relative to the interpretation of the 58th clause which provides for the attendance of children at Sunday schools. It is clearly intended that the children of members of the Established Church, not being emancipated, should attend Sunday schools in connexion with the Church of England. But it is not intended that the children of Dissenters, who may object to their attendance at such schools, shall be compelled to attend those schools. [Mr. *Hawes* here made a remark, which was inaudible.] I tell the hon. Member at once, that it is the purpose of the bill to secure the attendance of the children of Churchmen at the Church of England schools; it is quite right that, until they are emancipated, parental authority should be exercised over them. An apprehension has been entertained in some quarters, that the clause in its practical operation will go much beyond what I have stated, and that it is intended to compel the children of Dissenters to attend the Sunday schools to be opened under this act. The petition which was read at the Table to-night would appear to have been framed under this misconception. I beg to state distinctly, and at once, that that is a complete misapprehension of the object of the clause. It is to be regretted, that imaginary difficulties should be conjured up, when there are so many real ones to be overcome. I can assure th House, that I have brought forward this measure under a full sense of the difficulties and responsibilities which must attend it. I cannot dissemble from myself that, on the right hand and on the left it is beset with dangers. I did hope, and I still continue to cherish the hope, that by steering an honest but a steady middle course between the two opposite extremes we might avoid the stranding of the measure on the shoals which beset it on either side, and carry it triumphantly, with safety, into harbour. Her Majesty's Government are convinced, that the time has arrived, when some great effort must be made to rescue the rising generation in the manufacturing districts from the state of practical infidelity in which they are unhappily placed. The hon. Member for Lambeth has told the House, that we are much indebted to the exertions which the Dissenters have made to promote education in the manufacturing districts. I give the Dissenters ample credit for what they have done in that respect; I think their exertions have been praiseworthy in the extreme. The Church of England, not having means at command, was unable, without the assistance of the Dissenters, to rescue the manufacturing population, which had rapidly grown up in certain districts, from the state of ignorance in which they were placed. In order to accomplish that great object, the Dissenters honestly contributed the most important aid; and, in my judgment, nothing could be more mischievous than to disparage the exertions of the Dissenters in the cause of education, or to do anything which could lead to the sudden cessation of those useful efforts. At the same time, I would entreat the House to bear in mind, that the difficulties of the case must be met by the executive Government, and that it is necessary, when the means and appliances of the State are called into requisition, that the scheme to be adopted should harmonise with the form of Government, and with the constitution under which we live. I am satisfied that without the cordial co-operation of the Church established by law, no large measure of education can be carried into effect in this country, and I go further and say, that without such co-operation, no Government would be justified in attempting to carry it into effect. The object of the Government is to establish a system of education extensive in its operation, and not confined to any one religious sect and they invite the co-operation of the Church to enable them to carry it into effect, with a due regard to the principles of toleration, and with the respect which must be rendered to the honest scruples of Dissenters. I admit, that this object is difficult to attain; but we have honestly attempted it. I believe, that the time has arrived when it becomes the indispensable duty of the Government, to make a decided effort to effect the great object to which I have adverted. If we had entertained any doubts upon the subject, previously, the events of last autumn would have convinced us that not a moment should be lost in endeavouring to impart the blessing of a sound education to the rising generation in the manufacturing districts. I speak in the presence of Gentlemen whose local knowledge will enable them to set me right, if I state, what is incorrect; but I am informed, that the turbulent masses who, in the course of the last autumn, threatened the safety of property and disturbed the public peace in the manufacturing districts, were remarkable for the youth of the parties composing them. I am told, tha speaking generally, the age of the individuals, who composed these turbulent multitudes ranged between eighteen and twenty-two. This circumstance shows the danger of neglecting the education of the rising generation. If, some years ago, we could have been so fortunate as to agree upon some such comprehensive scheme of education as that which is now proposed; if we could but have done so only ten years ago, my firm belief is that the outrages which took place last autumn, and which at one time threatened such serious results, would never have taken place. Under these circumstances I and my colleagues considered it our bounden duty to introduce a measure which we believe to be sound in principle, large in its extent, and capable, if it should receive the sanction of Parliament, of effecting the object we all have in view. Nothing that I have heard in the course of the present discussion has shaken my belief that the measure is conceived in a spirit of perfect fairness, that it is tolerant in its provisions, that it would prove just in its operation, and that it would be effectual for its purpose. At all events we have relieved ourselves from the weight of responsibility which would have attached to us had we failed to bring forward some such measure as this. We have performed our duty, and it remains for the House to deal with the measure as it may think fit. I am very unwilling to enter into a consideration of the details of the bill upon the present occasion, because I am conscious of the disadvantage of premature discussion respecting them. I do not wish to be bound too closely to all the details on which comments have been made. I am satisfied I speak the sense of my Colleagues, when I say, that it is our earnest desire to weigh calmly and dispassionately every reasonable objection which may be urged by the dissenters, with the view of rendering the measure as palatable as possible in its general operation. We must not sacrifice principle to expediency, but, on the other hand we must not push just principles to such an extreme as to render their application practically impossible. I hope that the debate will not be carried on in an angry and controversial spirit, but that we shall proceed, as we have hitherto done, to consider this measure with the calmness and gravity which its importance demands. I have stated that the Government will attentively consider every objection which may be urged by the Dissenters, and I must also say, at the same time, that we will not neglect what is due to the established religion of the country of which her Majesty, whose servants we are, is the defender and the head. Pursuing a steady course, aware of the difficulties which beset us, not disregarding the dangers which surround us, we shall exert ourselves to pass this bill, and if the House will only second our efforts I am sure that we shall succeed in carrying a measure which will be productive of greater good to the community and will do more to secure the future peace, happiness, and contentment of the people, than any measure which has been passed by this House for many, many years.

Sir *G. Grey* said, that strong as were his objections to some of the details of the measure now under the consideration of the House, he could see enough of the proposition to be convinced that her Majesty's Government had been actuated by a sincere intention and desire of accomplishing and adopting a comprehensive and liberal system of education without interfering with the rights of conscience. How far they had succeeded by the clauses, as they now stood, was another question; and when the bill came into committee, he should be able to show that the Government had not carried out that intention, as he thought the House had a right to expect, with a due regard to the conscientious feelings of the great body of the Dissenters, whose exertions in promoting education had been justly acknowledged—exertions which entitled them to more consideration than the clauses of the bill indicated to have been shown to them. When he said this, he fully admitted the many and great difficulties which encompassed this measure, and he rejoiced to hear the right hon. Baronet state that he would not pledge himself to all the details of the bill—that he was now ready to hear and consider the objections that might be raised. It was with a view that those objections and suggestions should be stated that his noble Friend, the Member for the City of London had taken the course which to-night he had taken, and objected to the bill being read a second time without debate, in order that the points which struck hon. Members as objectionable might be suggested now, and that in the time which must elapse between this and the next stage of the bill, the Government might adopt such modifications as they might think consistent with the object they had in view. He did not intend to go fully into the details of this bill, but to state a few points on which it would be his duty either to propose or support modifications. The principle on which the Government, as it appeared to him, had proceeded, was the adoption of the system of the British and Foreign School Society, as applicable to the whole of the children to be educated in the proposed schools, superadding special religious instruction for the children of parents attached to the Established Church. To that principle he should not object, if fairly carried out; but there would be a great difference between these schools and British and Foreign Schools. The bill provided, that the masters and assistant-masters should be Members of the Established Church, not indeed in precise terms, but there was a provision that they must be approved of by the bishop of the diocese, and, of course, practically the bishop would approve of a Member of the Church in preference to a Dissenter. Now, the British and Foreign School Society trained a great number of schoolmasters, who, though not Members of the Church, were extremely efficient teachers. Again, from the reports of the Privy Council inspectors, it appeared, that the most efficient masters in existing schools, had come from Mr. Stone's normal seminary at Glasgow, the persons trained there being Scotchmen, and of course most of them Presbyterians. Now, the provisions of this bill would exclude masters trained in the Borough-road School, and those trained in Scotland, unless they became

Members of the Established Church. Such was the impression which prevailed as to the effect of the 55th clause; namely, that it would exclude from employment, as masters or teachers, any person not a Member of the Established Church, and this he thought most objectionable, as limiting the choice of teachers, and excluding some of the most eligible. He would not now enter into detail as to the constitution of the trust; but it was a point which he thought required revision; inasmuch as it gave a great preponderance to the Church, without any security that a Dissenter of any description might be upon the trust, or have any control in the management of these schools. This was an apprehension which had excited great alarm among the Dissenters, and he mentioned the point now with a view to the removal of the objection which existed to the proposed constitution of the trust. With regard to the selection of books, for children of the Established Church as provided by the 58th clause, which placed it entirely in the hands of the clerical trustee, he considered this provision most unadvisable. Bearing in mind the great diversity of opinion to be found among the clergy, he thought it very unseemly that this should extend to the religious books for the instruction of the children, and that in the schools in the same town, for instance, totally different books should be in use, each purporting to convey instruction in the doctrines of the Established Church. He thought, that with a view to uniformity, the selection of books should be made by the committee of Privy Council, or if this was objected to, it would be better that it should be made by the two Archbishops, than that it should be left to the discretion of individual clergymen. There was another point to which he attached great importance—it related to the clauses affecting Sunday Schools. He did not, indeed, find any penalty attached to non-attendance on the Sunday, but the terms of some of the clauses implied that it was to be compulsory. To this he decidedly objected—it ought, in his opinion, to be entirely voluntary. There could be no objection to the schools being open for the instruction of such children as were willing to attend, but there were a vast number of Sunday-schools in the factory districts in connection with places of worship, both of the Established Church and of Dissenters, with which it was most desirable not to interfere, and which would be broken up if the children now instructed in them being employed in factories, should be compelled by this bill to attend the new school on Sunday as well as on the week days. He would only on this occasion further observe, that he doubted the expediency of introducing such minute regulaaions as were to be found in this bill into an act of Parliament. He thought it would be better to leave these regulations with the committee of the Privy Council, instead of legislating prospectively on every minute point. He had offered these suggestions with a view to remove the objections which had been raised to the bill, and in the desire to see it put into such a shape that it would not only receive the assent of the Legislature, but that of the great body of the people, for whose benefit and advantage it was intended.

Sir *R. Inglis* would endeavour to imitate the example of the right hon. Gentleman, and would abstain from referring to any exciting topic which might be likely to create irritation. They were now proposing, as a Christian people, a plan of education for Christian children; and as he owned that he was not satisfied with what he had heard from hon. Gentlemen on the other side of the House, he should be unwilling to think that his right hon. Friend could be chargeable with being satisfied with such an exposition of the opinions of the House, as they had heard. His right hon. Friend had deprecated any minute discussion of the measure at present; and into such minute discussion he should certainly not now attempt to enter. It would be sufficient, on a future occasion, to follow in detail the various clauses of the bill; but his right hon. Friend desired to receive generally, from both sides of the House, such suggestions as, when the bill should go into committee, might weigh with him in meeting the several objections which might be made to the bill: but he believed he might say, that thus far his right hon. Friend had heard objections from those only who, not being themselves members of the Established Church, or who, representing the opinions of persons who were not connected with that Church, endeavoured to show that the bill, as it was framed, was unworthy of the adoption of the House. On the part of those who constituted not only the majority of that House, but also the vast majority of the people of England, the members of the Church of England, he claimed for the Established

Church the maintenance of her office as the supreme instructress of the people of this country: and he maintained that a system of national education could never be soundly or firmly based except upon the foundation of a national Church. The great objection of the members of the Church of England to the present bill was, that, to a great extent, although he admitted it applied only to the manufacturing districts of the country, it proceeded on principle which, therefore, might be extended at any time to the whole country, to place the Church of England in a position not so pre-eminent as that which, constitutionally, it maintained at present, and in which, from its inherent character, they would wish to see it. He might add, that with respect to the first element of the organisation of the bill—namely, the committee of the Privy Council — the Church of England was not treated with that confidence which, constitutionally and intrinsically as the Established Church, she was entitled to expect at the hands of a Government. The supreme and appellant functions of the Church, as the instructress of the people, were transferred to an anomalous body—the committee of the Privy Council; no one member of which, unless he greatly mistook the constitution of that body and the functions discharged by it for the last fifteen years, was necessarily or essentially a member of the Church of England. He believed it to be almost possible, as the law now stood, that no member of the Church of England, certainly not more than one, was necessarily, a member of the Privy Council itself. If that were so, then he asked the hon. Member for Lambeth and the hon. Member for Dumfries, were there not great concessions on the part of the Established Church, if she did not oppose this measure? His right hon. Friend called upon Members to give him all the suggestions that occurred to them at this preliminary stage of the measure, and he would consider them attentively, and be prepared when the bill went into committee to take such a review of them as they might severally be entitled to; but he begged to remind his right hon. Friend, that if he conceded to the objections now urged by the opposite side of the House he could hardly expect that degree of support from the Church which his right hon. Friend, in almost the last sentence of his speech, had stated that he regarded as essential to the success of the bill and the successful establishment and maintenance of any system of national education. In making this declaration, he knew not for how many he might speak in that House, but he could answer for the opinions of a great many in the country. His right hon. Friend had said, that without the cordial co-operation of the Church Establishment, no system of national education could be carried out. He wished to remind his right hon. Friend of his own words, because he was satisfied that if by any attempt at undue conciliation of Gentlemen opposite, his right hon. Friend made any material alteration in the bill, he could not expect that strong or cordial support from the body of the Church establishment which the bill, in its present shape, was likely to receive. But in saying this he wished to repeat that he was fully aware of the concessions which the Church was making to a plan of national education which did not recognise the Church as the instructress of the people. He could hardly have conceived that two grave men could, as the hon. Members for Lambeth and Dumfries had done, seriously state that the bill gave to the Church by the constitution of the Board of trustees not a great or preponderating share, but the whole and exclusive possession of the authority. Did the hon. Member for Lambeth mean to state that churchwardens were necessarily churchmen? Did he mean to state that churchwardens were not, in too many intances, the bitterest enemies of the Church? One of the greatest grievances of the Church was, that its community were in bondage; that those who were called churchwardens were often selected from amongst those whom no other religious body would suffer to take office under their denomination. Did not the hon. Member know that in his own locality there were instances of churchwardens being the bitterest enemies of the Church-establishment? Was there any reason to suppose that at a greater distance in the manufacturing districts churchwardens would be more devoted or better disposed to the Church-establishment than in the suburban parishes of the metropolis? He believed, that unless the influence of the churchwardens was greatly moderated by the influence of the other trustees, the clerical trustee would often be found in the small minority of one. It must be recollected that two out of four trustees were to be owners of mills, and when it was said that twenty-seven out of sixty, or nearly one-half of the owners of mills—were dissenters; when he found that taken from the number, he could not help feeling the strong probability that there would be three, if not more, trustees in every union, unfriendly to the Church-establishment. It was quite clear that it would be at the option of the justices to elect four trustees, who were not members of the Church of England, and one only of the remaining three would be necessarily connected with that Church. He should greatly prefer an open enemy to an insidious friend; and would rather see an avowed dissenter in the office, than a trustee whose study it would be insidiously to beat back and thwart the efforts of the members of the Church, and undermine her strength. He repeated that it was a great concession on the part of the Church to admit the influence and control of the Committee of Privy Council; an institution not necessarily connected with the Church, and to which all the functions of the Church in regard to controlling the education of the country were to be entrusted. He would not enter into the question how far the Church, in the person of the Archbishop of Canterbury, was herself the Visitor-general of all the educational establishments of England—although that question had been most learnedly opened by Sir Charles Wetherell before the Privy Council, but whether it were so now or not, that clearly was the case at a former time, and either now or at a former period within the last 150 years, a concession had been made which denuded the Church of her visitorial power over all the education of England. Those functions were now transferred to the Committee of Privy Council. In every dispute reference was to be made—not to the bishop of the diocese, not to the archbishop of the province, not to any ecclesiastical synod, but to the Committee of the Privy Council. The original control was given to that committee, and as all appeals were made to it, a control in detail. He said, then, all the concession was not made by the dissenters, by the Roman Catholics, and the different denominations not connected with the Church of England, but concessions were made, and large concessions by the Established Church. The House had been told on the present occasion, by the hon. Member for Lambeth, as was always said whenever questions of this character arose, "Look at the numbers of the dissenters." He had said over and over again when questions of this nature were raised, that he would never refuse a claim of justice if it were made by one person, but he never would yield a question of deliberation or expediency to the threats of thousands, and he would always maintain a question of principle by whatever number it might be assailed. He believed as there were now statistical information on the Table which would refute all the arguments that were advanced on the other side on this subject, it was unnecessary to do more than refer to the tables which existed in various shapes. There had been made within the last month a return which shewed distinctly the number of churchmen and dissenters. It would be found in the fourth Report of the Registrar-General of births, deaths, and marriages. The number of Church of England marriages celebrated throughout England within the last year was 114,448, while the number of non-church marriages celebrated within the same interval was 8,034. Now he defied Gentlemen opposite to resist the conclusion, either that they had exaggerated the grievance of the marriage laws of England, or overstated the number of the dissenters. Either their consciences were not so much oppressed as they had represented, or they had overstated the numbers of those who had refused to conform to the Church of England. For the sake of satisfying those 8,034 persons who chose to be married by rites not of the Church of England, he asked those who had supported the measure—there were not many of them now present, but he saw one who had supported it, and he was the one who was best competent to estimate the value of pounds, shillings, and pence—whether they had made a calculation of the expense at which this toy had been purchased for the Dissenters from the Church of England? The expense of the registration of births, deaths, and marriages was 90,000*l*. for the year, and this sum was raised upon the taxes paid by the people of this country. He wished the hon. Member to bear this in mind when any request was made in that House for a grant to the Church of England; for if ever there was a question upon which the members of the Church of England were unanimous, it was in their opposition to that measure; at least, they were more unanimous upon that than any other point. The result showed the proportion of Dissenters and of members of the Established Church in the whole community of England, and the practical use which he now made of it was to recommend to his right hon. Friend the Secretary of State for the Home Department not to be daunted by the arguments of those who condemned the measure in its present form, as unfavourable to the Dissenters—to yield if he were satisfied that what was demanded was just, but to concede nothing on the mere ground that the numbers of the Dissenters made them formidable, as that would have the effect of disheartening and dissatisfying the great body of the people of England, who were in their hearts, and he believed in their lives, cordial and consistent members of the Church of England. Twice did the hon. Member for Lambeth—once in his speech, and again when he interrupted his right hon. Friend the Secretary for the Home Department, show the principle of his real objection to the measure. His real objection to the bill was, that it would counteract the efforts now made by the Dissenters. He (Sir R. Inglis) was not one who would at any time speak lightly of the efforts heretofore made by the Dissenters, using that term in a larger sense than, except for the sake of argument, he would recognise it, and including many who denied that they were Dissenters, — he acknowledged that but for those efforts the condition of education in the whole of England would be very different—melancholy as it was in some places—from what it was at present; but he believed, at the same time, that nothing would be more unfair than to withhold the establishment of a Church school, because the indirect influence of it would be to call back to the Church of England those who, because there was no Church school, had found refuge in the Dissenters' school. That was the ground twice urged by the hon. Member for Lambeth. He did not think the hon. Member had now used the word sectarian as applied to the Established Church. They were not now told that the Church of England was a sectarian body. An hon. Friend, however, who had listened to the hon. Member for Lambeth with more attention, informed him that he had heard that expression applied. He hoped, however, that it would not be hazarded too much in the present state of opinion in that House. In the last ten years he had been obliged to hear that expression, but he had never heard it, and never would hear it, without protesting against it. The Church of England was not sectarian. She was the legal and authorised instructress of the people of England. The Established Church was an essential element in the Constitution of England, and was the strength and the glory of the country, and it would be found that the strength of every Administration was exactly in the proportion in which it maintained the principles of the Church of England; and if he believed, that this bill as now constituted would weaken the Church, he for one should not be content to give a silent vote in opposition to it—he should not omit to divide the House against it. But it was because he believed the bill on the Table was less calculated to injure the Church than any other, and if well worked was perhaps not only calculated not to injure it materially, but might possibly benefit it—he spoke of the bill as it now stood—that he was not prepared to take the sense of the House against it. He supported the bill from a conviction that being opposed by the Dissenters on the one hand, and knowing that it would be opposed by the Church if materially altered on the other, his right hon. Friend the Secretary of State would not be persuaded to make any material alteration in it. He believed if the bill passed as it now stood, the advantages which the Church might derive, would be in some degree a compensation for the sacrifices she made, but he repeated, that it was only on that consideration that what was yielded on the one hand, would be compensated in some degree on the other, that he gave his support to the second reading of the bill.

Mr. *Hume* said that if he took the same views of the bill as the hon. Member for Oxford, he should be disposed to oppose the bill. He was sorry to hear that hon. Member say, though he did not agree in the assertion, that no system of education could be carried out in England without the support of the Established Church. The Church, according to that statement, was more powerful than the Government. That was an extraordinary doctrine to hear from the Ministerial Benches, which were occupied by what was called a strong Government. It might have suited the Gentlemen on his own side when they were in office, and were said to have no power. Was the plan, he would ask, adequate to the wants of the country? He believed not. The right hon. Gentleman had referred to the youths between twenty and eighteen years of age, who constituted the great majority of those engaged in the late riots. Now, what provision did the bill make for that class? None whatever. The hon. Member for Oxford had objected to the Church being called a sect; but he must call it a sect; it was nothing but a sect. It had been always a sect, and a sect only. The hon. Member reproached him with being a pounds-shillings-and-pence Member; he thought that reproach came with a bad grace from the representative of a church which was always struggling for pounds, shillings, and pence. We could not be baptized without paying for it; we were obliged to pay when we married; and when we were buried we had again to pay to the Church. Was not that being in love with pounds, shillings, and pence? The hon Baronet committed, he thought, a great error in arguing that a great deal of good was originated by the Church of England; and he praised it so much, that he was tempted to show by the documents before him, that the Church did not deserve his praise. The hon. Member called the Church the supreme instructress of the people; he thought she performed her duties very ill, when he considered the large funds she had at her disposal. She had between 5,000,000*l.* and 7,000,000*l.* a-year for her services. ["Oh, oh!"] Gentlemen would see that he was correct. She had formerly between 3,000,000*l.* and 4,000,000*l.*, and her revenue had since been much increased. He was horror-struck at reading some of the accounts of the education of the people, as given in the public documents lately published. In the report of the prison inspectors for England, he found some most extraordinary proofs of the ignorance of the people. He would take first the example of Reading gaol, in which he found there were 189 prisoners on a given day. Of these 75 could neither read nor write; 67 could read only, and 46 could read and write, both imperfectly, so that only one could read and write well. Did that state of the people do any honour to their supreme instructress? In other prisons the state of the people was still worse. Thirty years ago he had been engaged in promoting education, and he well remembered then, that the pulpits overflowed with denunciations against those who were educating the people. The efforts that were then made were chiefly confined to the dissenting body, though they were aided by the Duke of Bedford and some other distinguished noblemen and gentlemen who belonged to the Church. By their efforts considerable progress was made, and the system of education which they had established was doing good now. He thought the hon. Baronet the Member for Oxford extremely wrong always in assuming, that the Church was so extremely beneficial to the people, He challenged the hon. Baronet to the proof, but the hon. Baronet always assumed that point, and brought no proof whatever that his assumption was correct. Referring to another example of the state of the people—there was in the gaol of Springfield, for the county of Essex, 408 prisoners, and of these 184 could neither read nor write, 92 could read only, and 129 could read and write, but both imperfectly. In Middlesex again, in the Penitentiary there were 298 prisoners, and of those 62 could neither read nor write, 196 could read only, and 37 could read and write imperfectly. In this district, which seemed one of the best off, 103 could read and write well. Those facts showed that no efforts had been made to relieve the ignorance of the people. He had other statements which made the deplorable condition of the people still more evident. He found by the 6th report of the inspector of prisons, that the total number of adults and juvenile prisoners committed to gaol by the magistrates in 1839, was not less than 82,047. Of these 22,548, committed to be tried at the assizes and sessions, could neither read nor write well. The number sent to gaol on summary conviction, who could neither read nor write well, was 54,579, making in all a grand total of 77,127 who could neither read nor write, or not read nor write well, and only 4,920 who could read and write well: of 71,790 adults, only 4,688, or one in seventeen could read and write well. But the juvenile offenders were still worse: of 10,324 juvenile prisoners, only 232 could read and write well, or not more than one in forty-five. Did not that show that the people had been neglected? He thought it shewed, moreover, that the Government propositions for the education of the people were wholly inefficient. If the right hon. Baronet thought that the dissenters would be satisfied with this measure he was mistaken. He would convince the right hon. Baronet of the contrary by quoting some part of the resolution which had been adopted by the dissenters of the three denominations. If the right hon. Baronet had not seen those resolutions, he ought to see them. At a meeting of the deputies, held on the 16th of March, Mr. Weymouth in the chair, a series of resolutions were adopted, of which he would read the second. It was as follows:—

> "That the provisions of the bill are at variance with the principles on which the orders of the Privy Council for Education, dated the 3d of June, 1839, were framed; are in opposition to the principles of general education in Ireland, which have been repeatedly sanctioned by Parliament; will widely create new claims objectionable to the Society of Friends and many other individuals, of the same nature, and for the same reasons, as church-rates; will interfere with, and probably subvert, the British and Foreign Sunday School Societies, and all congregational and other schools dependent on voluntary support, and so eminently useful; and especially will create, in favour of the parochial clergy and the established church, new, injurious, intolerant, unlimited, and irresponsible power and authority over the people and rising generation; that will violate all religious equality, and be thoroughly incompatible with the rights of conscience and civil and religious liberty."

He would remind the right hon. Baronet of the state and circumstances of that country to which he had exerted himself to apply a good system of education. In Ireland there were a great number of Roman Catholics, and their preponderance induced the Government, of which the right hon. Baronet was a member, to devise a system of education not under the control of the clergy. Now, why did not the right hon. Baronet apply that system to England? Here the dissenters were numerous, and he might say that, including the Catholics under that name, they probably formed a majority of the people, and why did not the right hon. Baronet apply a system here which in Ireland had been attended with the best effects? Did he expect that the English would submit to be treated worse than the Irish? As to the effect of attempting to give a religious education by the clergy of the Church of England, he would quote a passage from Mr. Saunders's report. It was to this effect—

> "No parties, who are advocates for educating the poorer classes, entertain a doubt of being able to secure the attendance of children at schools where they could obtain good secular instruction, if such schools were established; but all propositions for adopting a general system of education for the poorer classes have been hitherto thwarted, by an assumed difficulty as to the religious education which should be given in these schools, without violating the conscientious scruples entertained by parents."

It was impossible, he thought, that the right hon. Baronet should be acquainted with all the facts of the case, and persist in proposing a plan to give a domination to the Church of England in the education of the people. If he yielded to that domination, the people would be loathe to accept the degraded education they would receive in the schools under the control of the church. Did the right hon. Baronet think that the people of England would pay rates for a system of education which was worse than the system established in Ireland? He believed that it was impossible the right hon. Baronet's scheme should succeed. From the sentiments which the hon. Baronet (Sir R. Inglis) had expressed, it appeared to him as if that hon. Baronet regretted that the days of "No Popery," had not returned; and it appeared to him as if this bill were about to restore to the Church that power which it formerly possessed, and which the hon. Baronet was so desirous to give it. Now he objected that all that they professed to do at present was, to give education to but two classes in the community—to those who were children working in factories, and those whose parents had the misfortune of being paupers. These were it appeared to him, the only two classes that were to be taken care of. He differed from the hon. Member for Dumfries in one respect—he thought that every individual ought to be educated; that the State should take care that each individual was educated. He thought that no voluntary system would do—that no voluntary system ought to do. In his estimation the moral and religious education of the people was the first duty on the part of a government, and therefore there ought to be secular establishments for education, in the advantages of which every sect could participate. Where, as in this country, there were so many sects, differing from each other, it was impossible to have education general, if any species of domination were permitted to any one particular sect in the country. Let all, he said, be educated, and let the public money be allocated for that education as it was in other countries. Every species of property that was made to provide for the support of the poor ought also to be subjected to taxation for the purposes of education. He believed that such an allocation of money would be the truest and best economy in every sense of the word. The expenses incurred in the building of prisons, in the carrying on of prosecutions, the losses suffered by theft, the injuries inflicted by criminals, all these arose from bad education, and all entailed upon the community an expense which, if brought together, would not amount to anything like the sum ample and sufficient to give that general instruction which was required in the country. If that were done, then they might see a moral and a well-educated people in this country, of whom they might be proud. They might see that, instead of beholding that of which they might well be ashamed—that was the ignorance of all classes—an ignorance that, in the old and the young, was disgraceful to the legislation and the Government that tolerated it. They might, indeed, well feel shame, and especially when they considered what other countries had done; countries, of which it might be remarked, that education in them was not under the management of that "supreme instructress," the Church of England. He had obtained returns from the Government of the United States which threw this wealthy country miserably into the shade in respect to the zeal and liberality of those who would contribute to the dissemination of information and education, in at least two of the states of the union. In the state of Massachusetts, which contained a population of 734,000 persons, there were 3,103 public schools, for the support of which that small state contributed 102,295*l.* These were the common schools for the common people. There were also endowed schools, and the whole number of those educated was 142,219, at an expense of 171,246*l.*; while all that was expended here, for the purpose of education, was the paltry sum of 30,000*l.* In New York 357,587*l.* was expended upon 10,127 district schools. The ruling power was vested in persons elected by the inhabitants, not in the clergy of any sect or denomination of Christians; and the whole of these schools were subjected to the superintendance and control of responsible persons appointed by Government. Where was the danger of leaving the administration of these contributions to the general education of the people in the hands of those who contributed to the fund—namely, the secular, instead of the clerical portion of society? He did not believe that such a control would more favour the growth of infidelity than clerical control. And this opinion was confirmed by what had been disclosed in a speech delivered by the noble Lord (Lord Ashley) on this subject, who then read the names of adult persons in the mining districts who were altogether unacquainted with the names of personages most familiar in the pages of Scripture. He, notwithstanding his objections upon this point were insuperable, would not offer any objection to the bill being read a second time, in order to give the House a fair and full opportunity of discussing it in detail in the committee; and he trusted they would not suffer it to come out of the committee without making many important amendments in it.

Mr. *Acland* was disposed to support the bill, but felt it necessary to state, by way of preliminary what were the grounds upon which he was prepared to concur in a measure which he could not consider to be a one-sided measure, or one calculated to give all the advantage to the Established Church over the dissenting portion of the community. It was his opinion, that any system of education established by Parliament, which should tend, either directly or indirectly, to check individual efforts, would do more of injury to the cause of national education, than they could hope to produce good. He could not touch on this bill without feeling, that after ten years of all but hopeless attempts and the most heart-sickening failures, they had at length arrived at that point when all parties seemed desirous of meeting the question fairly, and with a desire to conciliate as far as conciliation could be desired or expected, in matters of conscience. Certain points might be considered to be established, as the result of the discussions of the last few years. First, that no system of national education could ever be successful unless it were based on religion. Secondly, to adopt the expression used by the late Government, "that religion should be mixed up with the whole matter of the instruction." And, thirdly, he must add, that the division of religion into "general and special" had been rejected by the country. At first sight of the bill he confessed many objections had met his view. He objected to the power given to the committee of the Privy Council, as being calculated to interfere with individual exertions. He also objected to what appeared to him to be a tendency in the bill to separate secular from religious instruction, by giving the jurisdiction in the one case to the Privy Council, and in the other to the clergy; and again, he did not think it advisable that a plan of national education should be carried on, by which, in the same school, two classes of pupils should receive instruction upon different principles. Notwithstanding these objections, when he came to consider the bill, he arrived at the conclusion that the State having to propose such a plan, could only act on some such principles, and therefore it was he concluded that he should not have felt justified in offering opposition to it. He felt, then, that the Church had been unable to meet the enormous increase of population by a sufficient education, and if the Government, who are responsible for the safety of the country, think some immediate interposition necessary in the special case of the education of factory children, he dare not as a Member of Parliament—he dare not as an Englishman, refuse to take his share of the responsibility in the attempt to stay the evil. He considered, then, that the State must do that which the Church had not done, and which no exertions by individuals could do within any short period. He had had communications with several persons on this subject, some of whom had very strong and decided objections to the bill, and who, though able to perceive the remote dangers likely to follow, were yet willing to take the bill, honestly expressing, as they did, a hope that it might work well, and be able to meet the evils that were now so pressing, and the dangers that were so imminent. He, on these grounds, was ready to express his acquiescence in the bill, assuming that the intervention of the State was necessary in a case of special emergency, and viewing this measure as one of special and limited application, and taking into account its compulsory character, he concluded by expressing a hope, that all might unite in endeavouring to make the measure as perfect as possible.

Mr. *F. T. Baring* agreed with the hon. Member (Mr. Acland) in two opinions, to which he had given expression. First, that all party topics should be banished, and the discussion carried on with calmness. Second, that unless each of the extreme parties were willing to give way on some points, to which, on other occasions, they might attach importance, he believed it would be utterly impossible for them to obtain that object, which he hoped the House had in view. It was well that the subject should now be discussed, as he believed that the right hon. Baronet might otherwise on a subsequent stage of the bill, meet with more opposition than if the parties now had the opportunity of stating their objections. With reference to the point of Sunday education, as he understood the hon. Baronet, it was proposed that Sunday education should be furnished for the children of those persons who were members of the Church of England; but that it was to be perfectly competent for the parent to object to that, and then the child need not attend on the Sunday—the parent was not bound to state that he was a Dissenter, but that he objected to Sunday education; in fact, there was no compulsion on a member of the Church of England to send his child to Sunday education. This he thought right, but he saw no security that those children who did not attend at the school-house, should receive any religious education, and he suggested whether it would not be advisable, in such cases to require a certificate to show, that the child had attended some other Sunday school. The material part of the right hon. Gentleman's bill depended upon the trustees. A strong objection was entertained by the Dissenters as to the great power which was given to clerical trustees. There were to be seven trustees; but the clerical trustee was to be the only permanent one, and there were to be two *ex officio* trustees — the churchwardens. These two, in practice, by the bill, would be nominated by the clerical trustee. The practical operation was to give a preponderating power to the clerical trustee. It was to be considered, that the money was to be levied on the rate-payers, and he certainly should be glad to see some mode by which trustees elected by the rate-payers, could satisfy them that the money raised out of their pockets was properly distributed. He agreed with Sir R. Inglis, in his objection to the nomination of churchwardens; he thought they were not usually persons selected for their fitness to superintend education; and if they intended to give an appointment to the clergyman, he would prefer giving him the power directly. He had rather one was selected by the clergyman, and the other by the rate-payers, and he was sure that the appointments made in that way would give more satisfaction. Great importance was attached to the assistance of the clergy; but also the utmost importance ought to be attached to the assistance of that most influential body, the ministers of the dissenting bodies. He was glad, that the educational clauses were postponed for consideration, and he hoped the right hon. Gentleman would consider the objections offered by honourable and honest men, and do his utmost to obtain their co-operation.

Mr. *Hardy* hoped that this measure would be the means of affording proper religious education to a large mass of the youth of this country employed in manufactures, but although he agreed that they should make toleration their principle, yet he trusted that religion would be taught in these schools according to the Holy Scriptures, and in the way which alone could guide the minds and govern the hearts of the young working population of the manufacturing districts. He did not think they could hit on any plan which would be satisfactory to the members of the Established Church and the Dissenters; but he thought it important, that in whatever they did they should make religious instruction, according to the Scriptures, their rule. At that moment he would not enter into the details of the bill, but he hoped that when they went into committee they would be able to render the measure such as would afford general satisfaction.

Mr. *Milner Gibson* considered that he should not represent the feelings of his constituents if he were to express his approbation of the present measure. He had very great objections to the bill, and could almost reconcile it to himself to vote against the second reading. But if he did not do that, he meant to give his reasons why he could almost reconcile himself to vote against the second reading, on the very ground that he was anxious to extend education, and especially amongst those classes to whom the bill would apply. If he admitted the soundness of the principle on which they were about to proceed, it did not follow that a partial application of that principle might not be attended with mischievous results. They must consider what would be the probable practical working of the measure before the House. He would ask the right hon. Baronet opposite this question. He had confined the operation of the bill to the masters in particular mills, to those in cotton, silk, flax, woollen, and some other mills, but he had left beyond the scope of his measure the vast number of children employed in a number of other employments of manufacture and trade, in which young persons were engaged. The noble Lord, the Member for Dorsetshire, had founded his late speech upon the subject of the education of children—on the report of the commission, which extended to the condition of children employed in every species of labour; but the bill before the House applied only to a particular number of trades and occupations. Now, he would ask the right hon. Gentleman opposite whether the result of his bill would not be to induce parents to withdraw their children from employments under the operation of the bill, if they were at all unwilling that they should be sent to school? All they would do by the measure before the House would be to displace labour, to cause a great number of children to be withdrawn from cotton, flax, and other mills, within the operation of the act, and to be employed in nail-making, and other manufactures in the immediate neighbourhood of the cotton, &c., mills, but not within the scope of the bill. To show that this difficulty was not the result of his own imagination, he would observe that it had been found to occur with respect to the education clauses of their own Factory Bill. The inspectors stated that the effect of that bill had been to displace a great amount of infant labour, and in many respects to make the moral and physical condition of the children worse than it was before that bill came into operation Mr. Hickson, in a report of the operation of the Factories Act, stated that the operation of that law had been to exclude from labour upwards of 40,000 children; that the mill-owners had no authority to prevent the children after leaving the mills, from absenting themselves from the schools provided for them. That if the 40,000 children excluded from labour were receiving proper instruction, the fact of their having been so excluded would be less to be regretted; but not one in the hundred of these children were sent to school. That the school clauses referred to had placed a great body of young children, under thirteen years of age, in a much more unfavourable moral and physical condition than that in which they had been before the passing of the law. This showed that when they applied partially a sound principle, mischief, instead of good, might be the result, and he feared that the effect of the school clauses in the present measure would be similar to those produced by the school clauses of the measure of 1827. He feared, too, that the children would be sent to employments still more irksome than those which they were subjected to in mills. He feared that they would be sent to mines and collieries, and those kinds of labour where they would have less chance of moral and physical improvement than they possessed at present. It had been often the practice there, and in other cases, when talking of the gross vice and immorality of certain bodies of the population, to travel for that purpose to the cases of manufacturing towns and districts. Whenever a lecture was to be read on ignorance and debasing vice, the manufacturing towns were instanced as illustrations. Now, he would call the especial attention of the noble Lord opposite (Lord Ashley) to the fact, that it was not among the cotton factory population the this vice and immoraiity principally prevailed; for it was observed that the regularity and discipline of the cotton mill were calculated to lead to steady habits, and that the practice of vice and ignorance prevailed among the migratory and floating population, among that portion of the population principally transferred from the agricultural districts. Now, this bill would not apply to persons of that class. It would not extend education to those principally in want of it; but it would have a tendency to drive out of cotton factories the very children for whose benefit the bill was intended. With every desire to extend education, he would ask the Government, whether the practical operation of the bill would not probably be as be had stated? With respect to the principle of religious liberty, as it was involved in the bill, he could not help saying that they did seem to him—when they passed an act of Parliament to the effect that the teachers of national schools should teach the Scripture only according to the authorised version—they did seem to him determined to impose terms of admission to these schools, which they knew beforehand that Roman Catholics could not agree to. Did they not know that Roman Catholics would not permit their children to be taught the authorised version of the Scriptures? When the system had been altered, and that version introduced into the Liverpool corporation schools, the effect had been to reduce the number of children attending them from 800 to 300. The immediate effect had been the withdrawal of Roman Catholic children; yet, with the full knowledge of this fact, they still persisted in enacting that all children should be taught the scriptures according to the legalized version. In no district was there a greater number of Catholics compared with the entire population, than in Lancashire. A large portion of the people there were Irish and Catholics, and the ministers seemed to be trying, by the bill before the House, to make schools as little advantageous to the bulk of the population there as they could. With respect to the attendance on divine worship, he thought it would be well that children belonging to the Church, and those of Dissenters, should all of them attend a place of worship; but he protested against the principle that they were to ask a working man why he did not send his children to their school on Sunday for religious instruction, or to their church. Had not the parent a right to enjoy the society of his own children, if he wished it, upon the Sabbath? Was he bound to part with his children for six hours every Sunday? Was he not at liberty to send his children to whatever Sunday-school he thought proper? Was the right hon. Gentleman opposite to stand up for instituting such an inquisition into the families of working people, as requiring a religious reason why the parents did not send their children to the Sunday national schools? They had no right to ask for any such reason. The matter should be left to the parents' discretion. And should it be otherwise determined, the working people would look upon the measure in the light of a most grievous oppression. With respect to the other portion of the bill, he would not express any opinion stronger than that which had been uttered by the hon. Member for Montrose, to the effect that the rate-payers should have a voice in the selection of those who were to form the local educational boards. He thought that great difficulties would be thrown in the way of the practical working of the bill, if its provisions upon that head were not altered. The members of the society of friends would object to pay poor-rates when they knew that the money was to go to pay for inculcating doctrines to which they had objections, and over the teaching of which they were to have no control. The ministers would conjure up all manner of difficulties in the way of the working of the bill, if they did not give to the rate-payers a voice in selecting those who were to distribute the funds and take charge of the schools. He entreated the Government to consider attentively the objections to the bill which he had stated.

Mr. *Manners Sutton* rose to state the reason why he did not agree in the first point urged against the bill by the hon. Gentleman who had just spoken. The hon. Gentleman had stated that he feared that the school clauses would not have the effect of promoting education, but of inducing children to enter into other employments, as a condition of entering into which the fact of their receiving education was unneccessary, and he had quoted the report of a Factory Inspector, to prove the probability of the view he took. Now he apprehended, supposing that report to be correct, that the refusal of parents to allow their children to be employed in those manufactures, engagement in which made education compulsory, could not fairly be attributed to any desire of keeping from the children the education which they ought to receive; he believed that such was not the feeling of parents. But there was one point connected with the education clauses under the existing law, which had great weight in inducing parents to send their children into branches of manufacture unconnected with any necessity for education, and that was, the fact that the education provided was of the most inferior character, and he believed that in many instances the children were on that ground prevented from being subjected to certain restrictions from which no corresponding advantage could be reaped. But as the system of education was improved so would the reluctance on the part of parents vanish. Indeed, he considered that the enactment of education clauses would be considered by parents as holding out high premiums to send their children to employments with which they were connected. He would conclude with remarking, that the hon. Gentleman opposite, in alluding to the restricted scope of the bill as originally proposed, should not have forgotten that his right hon. Friend near him had announced his intention of submitting two other great branches of industry to its operation.

Mr. *Cowper* had experienced much gratification from the declarations made in the course of the evening, that the time was now come when the state must seriously undertake the education of the people; and he was also glad when he heard it admitted that the voluntary efforts of the Dissenters and Church had been found quite inefficient for remedying the existing ignorance of large masses of the population. He concurred, too, with the statement, that the necessity for education was so pressing that extreme parties should give way in their objections to particular parts of the system proposed to be applied as a remedy. With respect to religious education, as proposed by the bill before the House, he apprehended that its principle was, that children of the Established Church were to be instructed in the liturgy and in the faith of that Church, while the children of Dissenters should be taught from the Bible alone. That principle he generally approved of. He had no faith in voluntary exertions for education. Three-fourths of a million of children, at the most moderate computation, were at the present time receiving no daily instruction. Such a state of things should be immediately reformed, and it appeared to him that the bill before the House—considering all the circumstances of the country—the varying claims of contending parties—considering all that had passed on the question—he said, that bill appeared to him to be the best practical measure which could be adopted under the circumstances. He differed from those who thought that the Church should be the supreme instructress of the people, and that the State should in that respect have no control over her—and, he thought, that the establishment of any school, based upon such a principle would be found impracticable. But he did not think that under the proposed system, children of Dissenters would be a bit worse off than were such children in the British and Foreign schools. With respect to the objection of Dissenters to the bill, he believed that those objections were not so well founded as to have induced them to attempt to defeat the measure. Their objections were good arguments for improvements in the bill, but he had not heard any which would warrant him for a moment in taking upon himself the responsibility of not voting for the second reading. After all it was a practical measure, if they could frame a better, let them do so; but if they were merely to do mischief,—merely to prevent the vast masses of children in the manufacturing districts, whose condition every report concurred in stating as being most awful —as being lost in degradation and demoralization—from being educated and enlightened, they would be taking upon themselves a very terrible degree of responsibility. He could not sympathise with the hon. Member for Manchester in his remarks upon the division on Sundays of parents and children. Parents undoubtedly had certain rights over their children; but had the children no rights? Had they no right to be instructed? The law did not admit that parents had a right to starve their children—to inflict bodily injury upon them. Why, then, should the law admit the right of the parent to starve his children's minds and souls, and inflict upon them the grievous injury of refusing them that education which they undoubtedly had a right to expect.

Lord *Ashley* said, that had it not been for what had fallen from the hon. Member for Manchester (Mr. Gibson), he should not have spoken a word on the present occasion; nor would he now be tempted to say anything calculated to destroy the feeling of unanimity happily existing upon this question, or to make him appear in the position of being now the assailant of factories or of factory masters. With regard to the rural districts, he wished the House and the country to understand that it never was his intention to propose a grant of public money to enable landlords to extend the blessings and benefits of education among those who it might be said lived under their protection. He did think that it was a very solemn truth that every man having landed property, with all the advantages and responsibilities that attached to its possession, ought to see that his tenantry, great and small, and his neighbours, were brought up in loyalty to the King, and in the fear of God. And he should be perfectly ready, whenever the time came, to lend his humble assistance for the purpose of making regulations to promote education in the agricultural districts, as stringent as for Lancashire and the manufacturing districts. He should then be able to adduce a vast amount of evidence to show that there were countervailing advantages in the agricultural districts which were not to be found in the manufacturing districts; and it was partly with a view to that that he had abstained from mixing up the question of education in the agricultural parts with the consideration of the subject now before the House. The hon. Gentleman had stated that the education clauses in the Factory Act of 1833 had been the source of great moral and physical evil to a large proportion of children. It was quite true that those clauses in which he had no share whatever were so ill-contrived and ill-drawn, that they were exceedingly burthensome both to operative and mill-owner. The consequence was, that the mill-owner dismissed from his mill every child to whom these clauses applied. But let it be observed, that the bill now introduced removed a majority of the objections to that act, and would make the education clauses not only agreeable to the parent, but also perfectly agreeable to the mill-owner. One of the great difficulties for the mill-owner was, that of finding a school, and, in many instances, unless he had one on his own premises, there was no school to which the children could be sent; and with respect to the parents, considering the state in which the schools were, it could not be expected that they should wish their children to be educated there. By way of contrast he would state to the House what was the condition of many of the factory schools at that moment, and what their condition might be under the new regulation to be effected by this bill. He was the more anxious to do this, because he found by a circular issued by the dissenters that they laboured under very considerable delusions, and thought that the principles laid down in this bill were totally novel and had never been ratified by the House. First, they said, it was very hard indeed to the child, that out of its scanty wages a sum of money should be deducted for education, and they likewise complained of the necessity for compelling the attendance of factory children at some school. But that was the same as the provisions of the act of 1833; for in that act it was made compulsory on all children in factories to attend schools for two hours every working day of the week. In the same way, by that act, the mill-owner might keep back one penny in every twelve of the child's wages for the school; and that was precisely the proportion under the present act. So that these principles, at least, were not novel. But now observe the difference: compare the quality of the education as given under the act of 1833, and the quality of the education proposed by this measure. At present there were some good schools, as in Manchester, for instance, though their number was very small. But even in these good schools, whatever might be the regulations of the mill-owner himself, by the statute there was no provision of any kind of religious teaching,—not even the Bible was to be introduced. There was no qualification for the master as to ability, knowledge, or character. In more than one instance it had happened that children were found at school absolutely in the coal-hole, and the stoker imparted instruction as he was engaged in poking the fire. A book was sent to him the other day quite black, and so rotten, that it went to pieces in his hands, and yet that had been one of the standard books of the school for the last two years. In very many cases the schoolmaster and schoolmistress were unable to sign their names to the certificate, in which it was stated, that the child under their tuition had enjoyed two hours a day of moral and religious instruction. That was the state of things under the act of 1833. What was proposed by the bill of 1843? The House would observe, by contrasting what is promised with what exists, the mighty advantages offered to parents, and the powerful inducements held out to them for giving their acquiescence. He believed that the number of mills in which it had been determined to work, on the system of having no more children under thirteen years of age, had reached its maximum; and he had no doubt when this bill passed, additional facilities would be offered, and that, so far from children being turned out of employment, a very considerable number would be introduced, for the parents would then co-operate with the master to fulfil the conditions of the law. Those who had conscientious scruples should not only bear in mind the quality of the education proposed by this measure, but also recollect how the matter stood in respect to conscience at present. Under the act of 1833 no child of any persuasion whatsoever had the slightest protection as to conscience. It was perfectly possible that a Protestant mill-owner, having a school on his premises, might compel Roman Catholic children to attend that school; or, *vice versa,* a Roman Catholic mill-owner might compel Protestant children to attend a school on his premises. In the one they would be brought up in the doctrines and discipline of the Church of England, and in the other, in the doctrine and discipline of the Church of Rome. There was no security; and the children might be brought up according to the tenets, whatever they were, of the mill-owner. All that the act required, was the production of a certificate, which of itself was sufficient; and it was not within the power of the inspector to make any comment on the character and conduct of the persons who produced it. Such a system might have been pushed to this extent. It might be possible, that a mill-owner, who was a socialist, had a school on his premises in which children were educated in the particular opinions of that description of persons. It was not improbable; because he remembered, that the great leader of the socialist sect (Mr. Robert Owen) was a mill-owner some years ago, and that he once visited his mills at Lanark. Whether he was so now, or not, he could not say; but "what happened once may happen again;" and, under the act of 1833, if children belonging to the Church of England, or Dissenters, were sent to schools of that sort, and educated in the socialist principles, it was quite impossible for the law to interfere for the purpose of effecting a remedy. If, therefore, this bill went no further, it must give considerable relief, so far as it assured to parents the right of seeing that their children would not be taught any doctrine to which they objected. "Sir," concluded the noble Lord, "I hope that as this discussion commenced so it will end, without any reference to party or political considerations. We have to deal with a mighty evil: it is too late, and it would be useless now to dispute who are responsible for it. This is a time for mutual concession. I have never seen greater evidences of a general desire for some common field on which all parties may strive for the common welfare. I do trust we shall avail ourselves of the opportunity afforded by this precious season, which may not occur again. It is impossible to estimate the evils delay may produce, not only by augmenting the mischiefs against which we are contending, but in augmenting the heartburnings and discontents, and conflicts that must be excited. I do fervently hope this House may find some means for effecting a national improvement, and answering national expectations—for expectations, I emphatically declare, the people do entertain as to the effects of this measure, which is looked to with a degree of eagerness and gratitude unparalleled in reference to legislative efforts. I hope also, that for the honour of the country, something will be effectually done for the removal of this reproach. Without remorse we have disclosed our disgraceful position, displaying the positive filth that lies on the moral surface of this our land. What a figure shall we then cut among the nations of the earth, if, knowing what we do know, seeing what we do see, and feeling what we profess to feel, we fail to remove the abominations and corruptions which are festering in the very heart of our population. Lastly, and above all, I pray that we may not so signally fail in our solemn duty as a nation, and call down upon our heads the Divine vengeance, by obstinately persisting in a course of neglect, and in disregard of those sacred duties for which, (I sincerely believe), and for no other reason, have been intrusted to us wealth, power, greatness, and dominion.

Mr. *Cobden* admitted that it was a most difficult matter to deal with the rights of conscience as regarded different persuasions. Amongst the Dissenters of Lancashire it would be found not very easy to fix on a common test; but that difficulty was immensely increased when the Church of England claimed so dominant a power in this question. They were dealing there with a population the majority of which so far as the working classes were concerned, were Dissenters. The master would feel that he must consult the feelings of the minority. He thought it very likely that objections would be raised to paying rates when the majority found they could not have a master of their own views. He did not bring it as a charge against the noble Lord (Lord Ashley), that he had singled out Manchester as specially in want of instruction. He did not want to retaliate; but he must say there were districts more demoralized than Manchester. The very parish in which they sat, and which contained Westminster Abbey, he could prove by authentic documents, was more void of religious instruction than Manchester itself. He found in the *Quarterly Journal of the Statistical Society of London for April* 1840, a report on the state of the working classes in St. John's and St. Margaret's, Westminster:—

> "Religion professed by the principle members of the families of the working class. Out of 5,366 principal members of families visited, there were found, 1,181 who professed to belong to no religious denomination, and 2,077 who did not attend any place of public worship. Thus one-fifth of the principal members of the working population visited, professed not to belong to any religious denomination; and two-fifths attended no place of public worship."

He would next refer to the report read at the Statistical Section at the British Association for the Advancement of Science, at Liverpool, September 13, 1837, on the condition of the working classes in the boroughs of Manchester and Salford:—

> "Total number of the principal members of families visited, 50,429; of which there were found to make no religious professions, 4,481, or about one-twelfth."

He believed that the greater part of those to whom he alluded in Westminster were the tenants of the Dean and Chapter of Westminster Abbey; and as to the number of "disorderly" houses so often referred to, there was a larger proportion to be found in Westminster than in Manchester. He was not so illogical as to argue from this that religious instruction was not required in Manchester; but he thought it due to the character of the dissenting ministers of that place to show how things really stood. A population had rapidly sprung up, and a new, social element was to be provided for. In a town where the revenues of the Church were not expanding; where she still slumbered on in the possession of her old dues, he thought that Manchester had displayed a moral energy and a religious impulse in supplying her own spiritual wants; and so far from being selected as a benighted district, in behalf of which our philanthropic feelings were appealed to, he thought it afforded a fair specimen of what a moral population could do for themselves, when neglected by the Legislature of the country. He held in his hand a report of the state of the prisoners in the Lewes House of Correction, from October, 1838, to October, 1842, drawn up by the Rev. Mr. Burnett, the chaplain. The total number of prisoners in that period was 2,022.

> "Of these (said Mr. Burnett) 276 had a reasonable knowledge of the Christian faith, 229 had a confused knowledge of the leading events in the Saviour's life, 1,120 could tell the Saviour's name, and 646 did not know his name. And these, (the chaplain added), were Sussex born prisoners."

These facts he mentioned merely to show that they were not taking a sufficiently comprehensive view of the question. By the system which they were now about to adopt they would have at school about 60,000 children. Could that be a measure deserving of the name of national education? Could it be sufficient even for the districts for which they were affecting to legislate? The Church was now claiming exclusively the education of the people; but she did not come to the House with clean hands. She had neglected her duty, and it was monstrous that she should now come forward to offer the slightest obstruction to the education of the people. But she was always making herself a stumbling-block to the improvement of the country. She would never allow the people to be taught anything unless they were first taught her doctrines. But Mr. Burnett had well said that, in all his inquiries during the four years he he had attended the Lewes house of correction, he knew only one case where an adequate notion of religion was possessed by a prisoner who was unable to read. The dissenting ministers did not object to the use of the Bible in schools, but the Church would come in, and force its catechism on the scholars, which it had no right to do. He could tell the Government that the Dissenters would resist the measure which had been brought forward. It would be the subject of a long controversy, and it was not worth it, after all. He would not stand in the way of even the chance of the people obtaining better instruction, and, although he had received communications from various parts of the country hostile to the bill, yet, if a division should take place, he would vote for the second reading, and trust to amending the measure in committee. The bill was probably a slight step in advance, as regarded principle; this was the first time that the Government had proposed to levy a rate for the education of children without making it a condition that they should be taught the Church catechism.

Mr. *Darby* deprecated the tone which the hon. Member who spoke last had introduced into the discussion. As the hon. Member had referred to the Lewes House of Correction, he (Mr. Darby) could state, from his own experience, that a considerable portion of the prisoners confined there were not connected with the rural population. As to the Sussex clergymen, there was no set of men more anxious than they were to train up the people in a religious course. In his opinion, mere secular education would afford no guarantee for a moral population. The hon. Member for Stockport had attempted to prove that, as regarded education, Manchester was superior to London; but still it must be admitted that Manchester was bad enough, and the voluntary principle had been tried there and failed. The hon. Member concluded by expressing a hope that no angry feeling would be manifested against the measure introduced by the Government; the question was one as to which men of all parties ought to make concession.

Mr. *A. Hope* would give his support to the bill. The little discussion which the measure had received, showed that the bill was not looked upon as a great measure of national education. Looking at the disturbances, almost amounting to rebellion, that had taken place in the manufacturing districts last autumn, it was plain that there was a necessity for doing something to provide for the education of the people. The state of those districts with respect to education was a disgrace to the country. He believed, however, that exertions were being made to remedy the state of things that prevailed. In the agricultural districts, the landed proprietors were rousing themselves to a sense of their duty, and exertions were being made to provide better for the education of the people. He hoped, that the present measure would prove beneficial, and he would give it his support.

Lord *J. Russell* was afraid, that if they went into a discussion with regard to the different kinds of persons assembled in different parts of the country,—that if one hon. Member were to point out the ignorance and vice of the manufacturing districts,—if another took the metropolis as an example, and a third were to point out the extreme ignorance, and in many respects the depravity, which prevailed in some of the agricultural districts, it would prove that the attack was more successful than the defence; for there was no part of the country with respect to which they could say, that there was that religious and moral instruction which the Legislature would be proud to see established. He, for one, could not regret this discussion. He was disposed to think, that there being a very considerable degree of angry feeling amongst many bodies in the country, and much misapprehension with regard to the provisions of this bill, a discussion conducted as this had been in that House would rather tend to produce a similar temper elsewhere, and would produce in their future discussions a greater probability of coming to an agreement than there would have been if they had reserved the discussion for a later period. Such a discussion as this between Gentlemen of different political parties, differing also many of them in their religious opinions, beginning with his noble Friend the Member for Arundel, his hon. Friend the Member for Somerset, and the noble Lord the Member for Dorsetshire, differing as they did in the view they took of this great question, yet he was happy to say, they all spoke of it in a temper which was highly commendable. Such discussion would tend rather to further the great object they had in view, than to push to the extreme any opinions which each individual might entertain. There were some parts of this question with regard to which individuals might feel regret, but with respect to which it was impossible to censure. For his own part, he was one of those who thought that the persons who had at a former time attempted to make the Bible the sole foundation of religious education were entirely right. When, in the year 1807, a society was established, the principle of which was, that no creed or liturgy established by human authority should be a part of the instruction in their schools—that the Bible alone should be taught there in connection with religion—but that the ministers of the Church, or of the different religious persuasions should be at liberty to inculcate their own peculiar doctrines elsewhere—when that society was attempted to be established, he must say he thought it was a misfortune to the country that their principles had not become predominant. He was aware that the Catholics would not agree to accept the authorized version of the Bible; but taking the great majority of the country—those who belonged to the Established Church, and to what might be called the more orthodox dissenting bodies—he thought that they would meet as regarded the Bible on one common ground. It was now more than thirty years since the Duke of Kent proposed to the Archbishop of Canterbury an union on those grounds, but the Church refused to promote the establishment of any schools in which the catechism and other parts of the liturgy of the Church of England were not to be taught. Since that answer of the Archbishop of Canterbury, there had been an opposition between the schools of the British and Foreign School Society and those under the direct control of the Church. For his own part, he thought the refusal at that time was an error, and he had ever considered it to be a misfortune. He did not think the Dissenters were wrong in making the offer, and were it possible now—though he feared it was not—to suppose that there could be any prospect of agreement, he must still continue to think that the principle he had referred to, would be the best and soundest on which to establish schools for the nation at large. At the same time, however, he must consider it as hopeless now to put forward a principle which had met with such opposition. But in considering the subject with a view to legislation, they must bear in mind, whatever might be their regret, that in the manufacturing districts the majority of those making religious profession did not belong to the Church, and did not attend divine worship under its auspices. Whatever they might feel upon the subject, they must at least admit the fact in framing any legislative measure, just as much as they must admit the fact that the Church and the clergy had refused to agree to the establishment of joint schools, in which the Bible alone should be the foundation of the religious education. And they must take especial care in framing any measure that was to affect the manufacturing districts particularly, that that peculiarity was kept in view. They might say, it was a misfortune that the Church was not sufficiently armed for the instruction of the people in those districts; they might say, that the Church was to blame for not having provided more general instruction; but he was of opinion that the State had been far more to blame than the Church. But, however that might be, still the fact remained, and it could not be altered; and such being the state of things in those districts, the question was, what parts of the present bill were calculated to cause irritation discontent, and opposition? First of all, there was that particular part which was most objected to by Dissenters and others out of doors, and to which his right hon. Friend the Member for Portsmouth had alluded—the defect in the constitution of the boards of trustees. Those boards were to be formed of the ministers of the parish of the Church of England, and also of two churchwardens, which last provision certainly did not seem to be a matter of necessity; but it certainly did seem to be an omission in the constitution of these boards, that there was not to be upon them any representative of the ratepayers who would be able to watch over the manner in which the rates were expended. He should think it a very great advantage, indeed, if in the committee they could make some alteration to remedy this defect in the constitution of the boards of trustees; but he feared at the same time that there was no alteration likely to be made in the measure which would not still leave the board of trustees a body that would be considered rather as belonging to the Church and representing the Church, than as being a fair representative of the opinions of the different religious bodies of this country. Looking at this state of things, then, he thought it was for the right hon. Baronet seriously to consider how far the schools to be established under this bill ought to supersede such schools as might already be in existence. There was in the bill a provision that the factory child might be at liberty to go to any other school, being a school of the British and Foreign School Society, or to the Roman Catholic school—should their parents desire it, " provided those schools were efficiently conducted." Now, with regard to the manner in which the schools might be conducted, many dissenters were of opinion that the inspectors, whose opinion would decide whether such schools were efficiently conducted or not, would conduct their inspection in such a way as that almost all the voluntary schools should be declared not to be efficiently conducted, and that, therefore, they would be condemned. One objection had been made which he considered to be unfounded. It had been asserted that the inspector whose duty it would be to visit the schools in question would hold his office at the pleasure of the Archbishop of Canterbury. That he believed to be entirely a mistake. With regard to any of the National Schools immediately connected with the church, the inspector certainly would be appointed on that condition; but with regard to the schools of the British and Foreign School Society, there existed no such condition, and the inspector of those schools was as independent of the heads of the church as any gentleman holding a civil office in the State. At the same time, however, he could not disguise from himself how likely it was that very considerable jealousy would be created if the inspector of those schools was very severe, and if those schools were extinguished, leaving only the schools that would be directly established under this bill. He therefore thought that the better course would be to maintain the schools in question so long as any jealousy should subsist as regarded the schools to be established under this act. Many of those schools might be imperfect, because there were not sufficient means at the command of the subscribers to make them as perfect as they might desire; and with regard to the schools both of the British and Foreign School Society and of the Roman Catholics, he thought it would be better for the Committee of the Privy Council to aid those schools, and endeavour, by assisting them, to make them efficient, rather than press harshly and severely upon them, and force the children to attend other schools. What he wished to suggest was, that in any alterations that might be made, it would be better to avoid all such fruitful causes of jealousy, and not to make sudden alterations, by destroying existing schools, many of them valuable, but rather to constitute a new school as a model to which the others might gradually come up. This was better than in the first instance doing away with these schools, and forcing the children to come to the schools that might be constituted under the bill. Upon the whole he was favourable to the Government scheme, but there was one great defect in it, a remedy for which he should be most glad to see proposed. He alluded to the want of a sufficient number of young men, properly trained as schoolmasters. Unless there were persons properly qualified to teach, they would only increase the number of schools and of scholars, but not add to the efficient education of the country. The hon. Member for Dumfries had said it was high time that some effectual step was taken in that direction. He was of the same opinion, and felt assured that the House would cheerfully agree to an increased grant for education, if they believed it would be applied to the training of an efficient body of schoolmasters. Let the Committee of the Privy Council lay down their own plan of such schools, and the Legislature would sanction it. The late Government were unfortunate in not obtaining the assent of the country to the scheme they proposed, but he was quite ready to say, that he would trust to the committee of the Privy Council to frame an efficient plan, and also to carry it out. All he wished to see was an improvement in the education of the country. Of all the questions submitted to the consideration of Parliament this Session, he did think the present most vitally important. They could not allow the people of this country to go on increasing in numbers and power, unless at the same time they increased their knowledge and religious instruction, without the utmost peril; and he should not have made these few obseryations, had he not thought they would be the means of smoothing the way instead of impeding the progress of the measure.

Mr. *Ross* said that this bill was generally approved of by his constituents, though there were some of the provisions to which they objected. He approved of the principle of the bill, and would give it his support, but there were some parts of it which he hoped to see altered in committee.

Bill read a second time.

DOGS EMPLOYED IN DRAWING.] On the Order of the Day being read for the third reading of the Dogs' Bill,

Mr. *Hume* objected to proceeding with the bill at such a late hour.

Lord *A. Lennox* said, that ample opportunity had been afforded to hon. Members who felt any interest in the subject of ascertaining that the bill would be brought forward to-night.

Mr. *M. Phillips* opposed the bill, on the ground that it would injuriously affect the interests of a large class of poor persons. Dogs were very useful to venders of crockery and other wares, in drawing their carts, and he had observed that they were generally treated with humanity. This bill, if it passed, would deprive numbers of individuals of the means of subsistence, and, at best, it would only substitute one class of evils for another, as some animals must be employed to run the carts. He had heard of a person who employed a goose to clean his chimney, and who, on being reproached for cruelty in doing so, thought he made a great advance in humanity by using two ducks instead.

Mr. *Hutt* thought that a very erroneous impression was generally entertained, that the disease of hydrophobia was occasioned by the ill-treatment of dogs. A committee of that House, however, which had been appointed some years since to inquire into the subject of canine madness, stated their opinion that the treatment of dogs had no influence in producing hydrophobia. He agreed with the hon. Member for Manchester, that if this bill were passed it would have the most mischievous effect, and that it would inflict great hardship upon hawkers and persons engaged in similar occupations, in many parts of the country who employed dogs for the conveyance of their wares. He did not wish to say anything that might be deemed offensive, but he must be permitted to observe, that many hon. Members of that House indulged in shooting, hunting, and coursing—practices which he thought involved much greater cruelty than the mere employment of dogs, which were frequently treated with great kindness, for the purpose of carriage.

Lord *A. Lennox* said, an hon. Member of that House had published a protest against this bill, in which he adverted to the hardship which would be inflicted by its adoption upon an unfortunate cripple whose legs had been amputated, and who had been conveyed from place to place in a cart drawn by dogs. This case appeared one of great hardship, but on the whole he thought that the hon. Member—like the cripple to whom he alluded—had not, with regard to the protest, a leg to stand on. He contended that the ill-treatment to which dogs were subjected frequently had the effect of producing hydrophobia.

Mr. *S. Herbert* opposed the bill. When they were legislating on subjects which were likely to affect the extremely poor classes of society, they should be particularly cautious, as those people had no persons in the House who could fully represent their wants, or sympathize in their feelings. Legislators were too much in the habit of overlooking these matters, and he must say, that he would not with patience see a poor woman seized in the streets by a constable for selling apples, and under the charge of begging sent to the House of Correction like a thief. It was not well, when measures such as the present were proposed, to allow the poor to imagine that their interests were altogether overlooked.

Mr. *Muntz* felt that the measure was proposed, not so much for the benefit of the canine tribe, as for the convenience of those who rode in coaches and on horse-back; but, though he was one of the latter, he would not support the bill. Why not extend the principle to other animals? Why not prevent horses from drawing boats, an employment for which they were never intended? The poor of this country would soon exhibit their indignation if the House went on infringing on their rights.

Sir *R. H. Inglis* said, it was no justification of those who rejected this bill that another class of evils existed, for which no remedy had been provided. The course which those who opposed it ought to take was to repeal the Police Act, for all that this measure did was to extend a provision of that act beyond its present limits. He was willing to admit that some species of dogs were adapted to draught, and were very serviceable; but, because dogs were used in dragging the fish carts from Scheveling to the Hague, on the sand of Holland, or in drawing men in carts on the snows of Kamschatka, it did not follow that their soft and elastic foot was equally adapted to the rough granite pavements of our towns, or even to the hard macadamized roads in the country.

Mr. *Brotherton* moved the adjournment of the debate; but, after a short conversation, this motion was withdrawn. The House divided on the original question:—Ayes 66; Noes 43:—Majority 23.

List of the AYES.

Acland, T. D.
Acton, Col.
Alford, Visct.
Antrobus, E.
Arkwright, G.
Baring, rt. hon. F. T.
Borthwick, P.
Bowring, Dr.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Buckley, E.
Chetwode, Sir J.
Clayton, R. R.
Clerk, Sir G.
Cripps, W.
Darby, G.
Dawnay, hon. W. H.
Douglas, Sir C. E.
Feilden, W.
Fielden, J.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzmaurice, hon. W.
Flower, Sir J.
Fremantle, Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Greene, T.
Hale, R. B.
Hamilton, W. J.
Hervey, Lord A.
Hindley, C.
Hodgson, R.
Hope, A.
Hughes, W. B.
Johnson, Gen.
Lambton, H.
Lockhart, W.
Mainwaring, T.
Martin, J.
Masterman, J.
Morgan, O.
Morris, D.
Mundy, E. M.
Newdigate, C. N.
Nicholl, rt. hon. J.
Pringle, A.
Pusey, P.
Repton, G. W. J.
Rolleston, Col.
Rushbrooke, Col.
Smith, rt. hn. T. B. C.
Staunton, Sir G. T.
Stuart, H.
Sutton, hon. H. M.
Taylor, T. E.
Trollope, Sir J.
Turner, E.
Winnington, Sir T. E.
Worsley, Lord
Young, J.

TELLERS.
Inglis, Sir R. H.
Lennox, Lord A.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Bentinck, Lord G.
Bernal, Capt.
Boldero, H. G.
Broadwood, H.
Buller, Sir J. Y.
Christie, W. D.
Clive, hn. R. H.
Cobden, R.
Colborne, hn. W. N. R.
Corry, rt. hn. H.
Dickinson, F. H.
Eliot, Lord
Ewart, W.
Gibson, T. M.
Gill, T.
Henley, J. W.
Herbert, hon. S.
Lincoln, Earl of
Mackenzie, W. F.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Mitchell, T. A.
Muntz, G. F.
Norreys, Sir D. J.
O'Brien, A. S.
Paget, Lord A.
Pakington, J. S.
Philips, M.
Ross, D. R.
Scott, R.
Stansfield, W. R. C.
Strutt, E.
Thornely, T.
Trelawny, J. S.
Tufnell, H.
Villiers, hon. C.
Vivian, hon. Capt.
Wawn, J. T.
Williams, W.
Wortley, hon. J. S.

TELLERS
Hume, J.
Hutt, W.

Mr. *R. Scott* moved the omission of the second clause, which had escaped his notice before, owing to the rapid manner in which the bill had been passed through committee. This clause gave to constables the power of apprehending offenders against the act without a warrant—a power which was unknown to the law except in cases of felony, and which he was sure the House would not give its consent to.

The House divided on the question, that the words proposed to be left out stand part of the bill:—Ayes 30; Noes 57: Majority 27.

List of the AYES.

Acland, Sir T. D.
Acton, Col.
Antrobus, E.
Arkwright, G.
Baring, rt. hon. F. T.
Boldero, H. G.
Buckley, E.
Chetwode, Sir J.
Dickinson, F. H.
Douglas, Sir C. E.
Feilden, W.
Fellowes, E.
Fremantle, Sir T.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Hale, R. B.
Hamilton, W. J.
Hervey, Lord A.
Hodgson, R.
Lambton, H.
Lockhart, W.
Masterman, J.
Mundy, E. M.
Newdigate, C. N.
Pringle, A.
Pusey, P.
Staunton, Sir G. T.
Trollope, Sir J.
Worsley, Lord

TELLERS.
Inglis, Sir R. H.
Lennox, Lord A.

List of the NOES.

Aglionby, H. A.
Bentinck, Lord G.
Bernal, Capt.
Borthwick, P.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brotherton, J.
Buller, Sir J. Y.
Christie, W. D.
Clayton, R. R.
Clerk, Sir G.
Cobden, R.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Eliot, Lord
Ewart, W.
Ferrand, W. B.
Filmer, Sir E.
Fitzmaurice, hon. W.
Flower, Sir J.
Fuller, A. E.
Gill, T.
Goulburn, rt. hon. H.
Greene, T.
Henley, J. W.
Herbert, hn. S.
Hindley, C.
Hughes, W. B.
Hutt, W.
Lincoln, Earl of
Mackenzie, W. F.
Mainwaring, T.
Mitchell, T. A.
Morgan, O.
Morris, D.
Muntz, G. F.
Nicholl, right hon. J.
Norreys, Sir D. J.
Paget, Lord A.
Philips, M.
Rolleston, Col.
Ross, D R.
Rushbrooke, Col.
Smith, rt. hn. T. B. C.
Stansfield, W. R. C.
Stuart, H.
Strutt, E.
Sutton, hon. H. M.
Thornely, T.
Trelawny, J. S.
Tufnell, H.
Vivian, hon. Capt.
Wawn, J. T.
Wood, G. W.
Young, J.

TELLERS.

Hume, J.
Scott, R.

The words struck out.

On the question that the bill do pass, the House again divided:—Ayes 50; Noes 31:—Majority 19.

List of the AYES.

Acland, Sir T. D.
Acton, Col.
Antrobus, E.
Arkwright, G.
Baring, rt. hon. F. T.
Boldero, H. G.
Borthwick, P.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Chetwode, Sir J.
Clayton, R. R.
Clerk, Sir G.
Cripps, W.
Darby, G.
Douglas, Sir C. E.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzmaurice, hon. W.
Flower, Sir J.
Fremantle, Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Greene, T.
Hale, R. B.
Hamilton, W. J.
Hervey, Lord A.
Hindley, C.
Hodgson, R.
Hughes, W. B.
Lockhart, W.
Mainwaring, T.
Masterman, J.
Morgan, O.
Morris, D.
Mundy, E. M.
Newdigate, C. N.
Nicholl, rt. hn. J.
Pringle, A.
Pusey, P.
Rushbrooke, Col.
Smith, rt. hn. T. B. C.
Staunton, Sir G. T.
Stuart, H.
Sutton, hn. H. M.
Trollope, Sir J.
Worsley, Lord
Young, J.

TELLERS.

Inglis, Sir R. H.
Lennox, Lord A.

List of the NOES.

Aglionby, H. A.
Bentinck, Lord G.
Bernal, Capt.
Broadwood, H.
Buller, Sir J. Y.
Christie, W. D.
Cobden, R.
Corry, rt. hon. H.
Dickinson, F. H.
Eliot, Lord
Ewart, W.
Gill, T.
Goulburn, rt. hon. H.
Henley, J. W.
Herbert, hon. S.
Hutt, W.
Lincoln, Earl of
Mackenzie, W. F.
Mitchell, T. A.
Muntz, G. F.
Norreys, Sir D. J.
Paget, Lord A.
Philips, M.
Ross, D. R.
Stansfield, W. R. C.
Strutt, E.
Thornely, T.
Trelawny, J. S.
Tufnell, H.
Vivian, hon. Capt.
Wawn, J. T.

TELLERS.

Hume, J.
Scott, R.

Bill passed.

House adjourned at one o'clock.

ERRATA.

Page 578 — (Last line) *for* proclamations the subject of comment in, *read* proclamations the subject of comment in this House.

— 959 — (24th line from top) *for* Member for Warrington, *read* Member for Wallingford.

— 962 — (15th from bottom) *for* ditto *read* ditto

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME LXVII.,

BEING THE SECOND VOLUME OF SESSION 1843.

EXPLANATION OF THE ABBREVIATIONS.

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☞ *The * indicates that no Debate took place upon that Reading.*

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